

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - S/S Wise Avenue, * DEPUTY ZONING COMMISSIONER
970'W of the c/l of Lynch Road * OF BALTIMORE COUNTY
(7813 Wise Avenue) * Case No. 97-203-SPHA
12th Election District *
7th Councilmanic District *
Larry G. Hoover, et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance for that property known as 7813 Wise Avenue, located in the vicinity of Church Road in Dundalk. The Petitions were filed by the owners of the property, Larry G. and Geraldine T. Hoover, property owners, and the Contract Purchaser/Lessee, Elton Ensor, through their attorney, F. Vernon Boozer, Esquire. The Petitioners seek approval of a use permit for the accessory use of dermagraphic art work in a Residential Art Salon, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4 to permit an entrance width of 11.5 feet in lieu of the required 24 feet, a two-lane travel way width of 10.5 feet in lieu of the required 20 feet; and a parking area aisle width of 21.1 feet in lieu of the required 22 feet; and from Section 409.8 to permit a gravel surface driveway and parking area, and the marking of parking spaces other than by striping. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Elton Ensor, Contract Lessee, his daughter, and Jim McFaul, Esquire, attorney

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INDEXED FOR FILING
Date 5/21/99
By [Signature]

for the Petitioners. There were no Protestants or other interested parties present.

Testimony and evidence offered revealed that the subject property consists of 0.23 acres, more or less, zoned B.L., and is improved with a 1.5 story frame building, detached garage, and gravel parking lot. The top floor of the building is used for residential purposes; however, the bottom floor is used by Mr. Ensor as a dermagraphic art studio, which includes tattoos and body piercing. Testimony indicated that Mr. Ensor has operated his business in this area of Dundalk for the past five years and has operated from the subject site for the past two years. Recently, a Baltimore County Code Enforcement Inspector noticed Mr. Ensor's operation on the subject property and advised Mr. Ensor that a special hearing and variances were necessary in order to continue to operate his business at this location.

The Petitioner seeks approval of his business by requesting permission to operate a residential art salon on the subject property. A residential art salon is permitted as of right in the B.L. zone, which is the zoning classification of the subject property. The Petitioner relies upon a decision made by Zoning Commissioner Lawrence E. Schmidt, in prior Case No. 93-260-SPH wherein Mr. Schmidt classified tattooing and body piercing as accessory uses to a residential art salon. The Petitioner in that case received zoning approval from Mr. Schmidt for a residential art salon on a property in the Essex area of Baltimore County. Ironically, the same Petitioner in that case, namely, Mr. Ensor, now comes before me, asserting the same arguments and strategy utilized in the previous case.

As to the particulars of the instant case, utilizing the broad definition of a residential art salon as Mr. Schmidt did in the aforemen-

3/21/87
Date
By

tioned case, I find that Mr. Ensor's operation does fall within the classification of a residential art salon and is therefore, permitted as of right on the subject property. Section 101 of the B.C.Z.R. defines a residential art salon as follows: "A portion of a dwelling unit used for the exhibition and sale of original works of art". In this case, Mr. Ensor is using the basement level of a dwelling for the purpose of the sale and exhibition of his tattoo designs. Mr. Schmidt has previously ruled that Mr. Ensor's tattoo designs are, in fact, original works of art, as that phrase is contained within the aforementioned definition. Therefore, Mr. Ensor has satisfied all of the requirements for a residential art salon and as such, is permitted to operate his business at the subject location.

Turning to the variance requests, the Petitioner seeks relief from certain parking area requirements to legitimize existing conditions on the property. Testimony and evidence offered revealed that many of the businesses along Wise Avenue have small driveways located on the sides of the buildings that have been converted from residences to business uses. Most of the properties along this stretch of Wise Avenue are long and narrow and it is necessary for customers to drive to the rear of the buildings to park. Therefore, in order for the Petitioner to operate his business on the subject property, he must seek variance relief from driveway and parking aisle width requirements. In addition, the Petitioner wishes to continue to utilize an existing gravel parking area. Mr. Ensor argued that a gravel surface parking lot will allow storm water to permeate through the surface and into the ground, thereby eliminating runoff onto adjacent properties.

It should be noted that the Office of Planning issued a comment dated November 15, 1996 requesting that the instant Petition be denied.

Within their comment, the Office of Planning states that "Clearly, no legislative provision exists to allow a tattoo parlor in a B.L. zone." The Planning Office also referenced Zoning Commissioner Lawrence E. Schmidt's decision in prior Case 96-107-SPH, in which he denied a request to allow a tattoo and design studio on property zoned B.M.-C.T. However, the Office of Planning failed to carefully read Page 7 of Mr. Schmidt's Order wherein he clearly established that a residential art salon is a permitted use in the B.L. zone, assuming that part of the structure in question contains residential quarters.

It should also be noted that in the instant case before me, no one appeared in opposition to the Petitioner's request. In fact, Mr. Ensor submitted a petition of support which had been signed by hundreds of his neighbors, as well as a letter from the Millers Island-Edgemere Business Association, Inc., welcoming him to their association, and a letter from the local councilman, all supporting his business.

After due consideration of the testimony and evidence presented, it is clear that the relief requested in the special hearing should be granted. It has been established that the use proposed at the subject site is a permitted use in the B.L. zone.

As to the variance relief sought, an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that the relief requested is necessary to legitimize existing conditions and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not result in any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

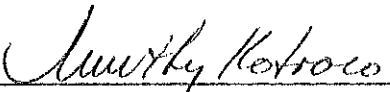
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance relief sought should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of March, 1997 that the Petition for Special Hearing to approve a use permit for the accessory use of dermagraphic art work in a Residential Art Salon, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4 to permit an entrance width of 11.5 feet in lieu of the required 24 feet, a two-lane travel way width of 10.5 feet in lieu of the

required 20 feet; and a parking area aisle width of 21.1 feet in lieu of the required 22 feet; and from Section 409.8 to permit a gravel surface driveway and parking area, and the marking of parking spaces other than by striping, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
For Baltimore County

TMK:bjs

ORDER GRANTED FOR FILING
Date 3/21/09
By [Signature]

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IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - 3/S Wise Avenue, * DEPUTY ZONING COMMISSIONER
970'W of the c/l Lynch Road *
(7813 Wise Avenue) * OF BALTIMORE COUNTY
12th Election District *
7th Councilmanic District * Case No. 97-203-SPHA

Larry G. Hoover, et ux, Owners; *
Elton Ensor, Contract Lessee - *
Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner on Remand from the Baltimore County Board of Appeals, by their Order dated April 27, 1998, which required that I reconsider the Petitions for Special Hearing and Variance filed in the above-captioned matter, "in light of the new legislation", pursuant to the passage of County Council Bill No. 29-98 on February 17, 1998.

A review of the history of this case is appropriate. Petitions for Special Hearing and Variance relief were filed by the Owners of the subject property, Larry G. and Geraldine T. Hoover, and the Contract Lessee, Elton Ensor, through their attorney, F. Vernon Boozer, Esquire. The Petitioners sought approval of a use permit for the accessory use of dermagraphic art work in a residential art salon on the subject property, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4 to permit an entrance width of 11.5 feet in lieu of the required 24 feet, a two-lane travel way width of 10.5 feet in lieu of the required 20 feet, and a parking area aisle width of 21.1 feet in lieu of the required 22 feet; and from Section 409.8 to permit a gravel surface driveway and parking area, and the marking of parking spaces other than by striping. The matter came before me on February 10, 1997, at which time Elton Ensor, his daughter, and Jim McPaul, Esquire, who appeared on

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behalf of Mr. Boozer to represent the Petitioners, appeared and testified. It should be noted that no one appeared in opposition to the request and many of the businesses around Mr. Ensor's operation were in full support of his use of the property as a tattoo parlor. By Order issued March 21, 1997, I granted the requested relief.

Subsequent to the issuance of said Order, a timely appeal was filed by the Baltimore County Office of People's Counsel to the County Board of Appeals, by letter dated March 31, 1997. The matter was scheduled for a public hearing before the Board, with numerous postponements being requested and granted in anticipation of the passage of the new County legislation with regard to tattoo parlors. Subsequently, a Motion for Remand was filed by Mr. Boozer on behalf of the Petitioners, requesting that the matter be remanded to this Deputy Zoning Commissioner for a reconsideration of the issues presented in the Petitions filed in light of the new legislation. A public hearing was conducted before the Board on April 21, 1998, at which time Counsel for the Petitioners offered argument in support of the Remand. After public hearing and deliberation, and there being no opposition to the request, the Board granted the Motion to Remand by its Order dated April 27, 1998. A hearing was then scheduled before me and conducted in its entirety on October 19, 1998.

As noted above, the County Council enacted Bill No. 29-98 which amended the B.C.Z.R. for, among other things, tattoo or body piercing establishments. Bill No. 29-98 comprehensively regulates adult entertainment businesses, massage parlors and tattoo or body piercing establishments. The Bill directs in which zones those uses are permitted, the applicable setbacks which must be maintained, and the enforcement for violations of the Bill. Section 6 of the Bill is that portion which generates the issue

At the remand hearing held on October 19, 1998, Mr. Ensor, Thomas Gill, and F. Vernon Boozer, Esquire, appeared and testified. The issues presented to me at that hearing are exclusive and legal in nature. There is no dispute that Mr. Ensor operates a tattoo parlor on the subject site, and has done so for the past 6 years. In addition, the specifics of the property have not changed. The property consists of 0.23 acres, more or less, zoned B.L., and is improved with a one and one-half story building, the first floor of which has been utilized by Mr. Ensor as a tattoo parlor for the past 6 years. The upper level of the subject building is used as a residential apartment. Parking is provided to the rear of the building, which fronts on Wise Avenue in Dundalk.

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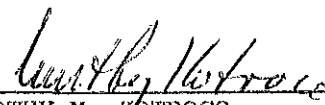
remain applicable to the Petitioners' use and thus, the requested variances are necessary. Therefore, the variance which I previously granted to the Petitioners to permit an entrance width of 11.5 feet in lieu of the required 24 feet, and a two-lane travel way width of 10.5 feet in lieu of the required 20 feet, and a parking area aisle width of 21.1 feet in lieu of the required 22 feet, and to allow a gravel surface driveway and parking area, pursuant to Section 409.8 of the B.C.Z.R., and the marking of parking spaces other than by striping, must also be reconfirmed.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of November, 1998, that the Petition for Special Hearing to approve a use permit for the accessory use of dermagraphic art work in a residential art salon, pursuant to Bill No. 29-98, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4 to permit an entrance width of 11.5 feet in lieu of the required 24 feet, a two-lane travel way width of 10.5 feet in lieu of the required 20 feet, and a parking area aisle width of 21.1 feet in lieu of the required 22 feet; and from Section 409.8 to permit a gravel surface driveway and parking area, and the marking of parking spaces other than by striping, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

IN THE MATTER OF * BEFORE THE
 THE APPLICATION OF
 LARRY G. HOOVER, ET UX -PETITIONERS* COUNTY BOARD OF APPEALS
 FOR SPECIAL HEARING AND VARIANCE
 ON PROPERTY LOCATED ON THE S/S * OF
 WISE AVENUE, 970' W OF THE C/L OF *
 LYNCH ROAD (7813 WISE AVENUE) * BALTIMORE COUNTY
 12TH ELECTION DISTRICT
 7TH COUNCILMANIC DISTRICT * CASE NO. 97-203-SPHA

* * * * *
RULING ON APPELLEES' /PETITIONERS' MOTION FOR REMAND

This matter comes before this Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Deputy Zoning Commissioner dated March 21, 1997, in which the subject request for special hearing and variance relief was granted. On April 1, 1997, People's Counsel noted a timely appeal of the Order of the Deputy Zoning Commissioner to this Board.

This matter was scheduled for hearing before the Board, with numerous postponement requests being requested and granted in anticipation of new County legislation with regard to tatoo parlors. On February 17, 1998, the County Council enacted Bill No. 29-98 which amends the Baltimore County Zoning Regulations for, among other things, tatoo or body piercing establishments. Subsequently, a Motion for Remand was filed by F. Vernon Boozer, Esquire, on behalf of Petitioners, requesting that this matter be remanded so that the Deputy Zoning Commissioner can consider the issues in light of the new legislation.

A public hearing was conducted by this Board on Tuesday, April 21, 1998 at which time Counsel for Petitioner offered argument in support of the Remand.

Public deliberation followed the hearing, at which time the

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Board made a unanimous decision to remand the case back to the Deputy Zoning Commissioner in light of the passage and enactment of Council Bill 29-98. The Board notes no objection raised by the Office of People's Counsel for Baltimore County, nor any Protestant's appearance at the original hearing. The requested remand is required in the manifest interest of justice and would be without injury to any party other than Petitioner, no other interested parties having come forth in these proceedings.

WHEREFORE, upon consideration of Petitioner's Motion to Remand and after public hearing and deliberation, there being no opposition thereto, it is this 27th day of April, 1998, by the County Board of Appeals of Baltimore County

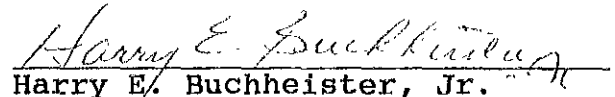
ORDERED that the Motion be, and it is hereby GRANTED; and it is further

ORDERED that the above captioned case is REMANDED to the Deputy Zoning Commissioner for Baltimore County for consideration of the issues in light of the new legislation.

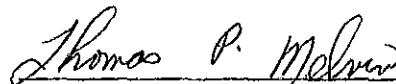
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Charles L. Marks, Acting Chairman



Harry E. Buchheister, Jr.



Thomas P. Melvin

MICROFILMED

IN THE MATTER OF
LARRY G. HOOVER, ET UX
and ELTON ENSOR
7813 Wise Avenue
12th E.; 7th C.

Petitioners

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE #97-203-SPHA

* * * * *

MOTION FOR REMAND

LARRY G. HOOVER, ET UX, legal owner, and ELTON ENSOR, Lessee, Petitioners, by F. Vernon Boozer and Covahey & Boozer, P.A., hereby request that the County Board of Appeals for Baltimore County remand the above referenced case to the Zoning Commissioner for Baltimore County for further consideration and modification, and for reasons, state the following:

1. That on or about March 21, 1997, the Deputy Zoning Commissioner for Baltimore County issued an Order approving the Petition for a Special Hearing to allow a use permit for the accessory use of dermagraphic artwork in a residential art salon, as well as approving a variance for a driveway and parking area.

2. That on or about April 1, 1997, the People's Counsel for Baltimore County filed an appeal to the Baltimore County Board of Appeals.

3. That the hearing before the Baltimore County Board of Appeals has been postponed several times in anticipation of new County Legislation with regard to tatoo parlors.

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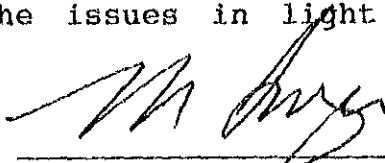
4/15/98
Rec'd CBA/KC.

4. That on or about February 17, 1998, the County Council enacted Bill No. 29-98 that amends the Zoning Regulations for, among other things, tatoo or body piercing establishments.

5. That Petitioners request the People's Counsel for Baltimore County does not oppose this Motion.

6. That the requested remand would be without injury to any party.

WHEREFORE, Petitioners hereby respectfully request that this Board remand the instant case so that the Zoning Commissioner can consider the issues in light of the new legislation.

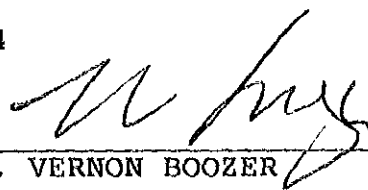


F. VERNON BOOZER
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
410-828-9441
Attorney for Petitioners

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 15th day of April, 1998, a copy of the foregoing Motion for Remand was mailed, first class mail, postage prepaid, to:

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Deputy People's Counsel
Room 47, Old Court House
400 Washington Avenue
Towson, Maryland 21204



F. VERNON BOOZER



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

April 27, 1998

F. Vernon Boozer, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case No. 97-203-SPHA
Larry G. Hoover, et ux
Ruling on Petitioner's Motion for Remand

Dear Mr. Boozer:

Enclosed please find a copy of the Ruling on Appellant /Petitioner's Motion for Remand issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

encl.

cc: Mr. and Mrs. Larry G. Hoover
Mr. Elton Emsor
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt, Zoning Commissioner
Timothy Rotroco, Deputy Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 18, 1998

F. Vernon Boozer, Esquire
Covahey & Boozer
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
S/S Wise Avenue, 970'W of the c/l Lynch Road
(7813 Wise Avenue)
12th Election District - 7th Councilmanic District
Larry G. Hoover, et ux, Owners; Elton Ensor, Lessee - Petitioners
Case No. 97-203-SPHA

Dear Mr. Boozer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Larry G. Hoover
189 Wolf Creek Road, Ranchester, WY 82839

Mr. Elton Ensor
109 W. Main Street, Hancock, MD 21750

People's Counsel; Case Files

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

March 21, 1997

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
S/S Wise Avenue, 970'W of the c/l of Lynch Road
(7813 Wise Avenue)
12th Election District - 7th Councilmanic District
Larry G. Hoover, et ux - Petitioners
Case No. 97-203-SPHA

Dear Mr. Boozer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Larry G. Hoover
189 Wolf Creek Road, Ranchester, WY 87839

Mr. Elton Ensor
109 W. Main Street, Hancock, MD 21750

People's Counsel

File

MICROFILMED

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7813 Wise Avenue, S/S Wise Avenue, *
970' W of c/l Lynch Road * ZONING COMMISSIONER
12th Election District, 7th Councilmanic * OF BALTIMORE COUNTY
Legal Owner(s): Larry G. and Geraldine T. Hoover
Contract Purchaser/Lessee: Elton Ensor
Petitioners * CASE NO. 97-203-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to F. Vernon Boozer, Esq., 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

97-203-SPH

7813 Wise Avenue (12th Election District)

which is presently zoned

BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A use permit for the accessory use of dermagraphic art work in a Residential Art Salon.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Elton Ensor

(Type or Print Name)

Elton Ensor
Signature

109 W. Main Street

Address

Hancock, Maryland 21750

City

State

Zipcode

Legal Owner(s):

Larry G. Hoover

(Type or Print Name)

Larry G. Hoover
Signature

Geraldine T. Hoover

(Type or Print Name)

Geraldine T. Hoover
Signature

Attorney for Petitioner:

F. Vernon Bozzer

(Type or Print Name)

F. Vernon Bozzer
Signature

614 Bosley Avenue

Address

828-9441

Phone No.

Towson, Maryland 21204

City

State

Zipcode

189 Wolf Creek Road 307-655-9880

Address

Phone No.

Ranchester,

WY

82839

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY: SM

DATE

10-30-96

MICROFILMED 203

ORDER RECEIVED FOR FILING
Date 10/30/96
By [Signature]





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7813 WISE AVENUE, 12TH ELECTION DISTRICT

which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

409.4 (WIDTH OF DRIVEWAY ACCESS TO OFF-STREET PARKING AND AISLE WIDTH)

409.8 (TO ALLOW GRAVEL SURFACE OF DRIVEWAY AND PARKING SPACES, AND MARKING OF SPACES OTHER THAN BY STRIPING)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

THERE IS EXTREME PRACTICAL DIFFICULTY. THE DISTANCE FROM THE BUILDING TO THE PROPERTY LINE DOES NOT ALLOW FOR THE TWENTY-FOOT DRIVEWAY WIDTH ACCESS TO THE SIX SPACES BEHIND 7813 WISE AVENUE. PAVING, AS OPPOSED TO A GRAVEL SURFACE, WILL CREATE PROBLEMS WITH DRAINAGE AND STORM WATER MANAGEMENT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

ELTON ENSOR

ELTON ENSOR
(Type or Print Name)

Signature

109 WEST MAIN STREET

Address

HANCOCK, MARYLAND 21750

City

State

Zipcode

Attorney for Petitioner.

F. VERNON BOOZER, ESQUIRE

(Type or Print Name)

Signature

614 BOSLEY AVENUE

410-828-9441

Address

Phone No.

TOWSON, MD 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

LARRY G. HOOVER

Larry G. Hoover
(Type or Print Name)

Signature

GERALDINE T. HOOVER

(Type or Print Name)

Signature

189 WOLF CREEK ROAD

307-655-9880

Address

Phone No.

RANCHESTER, WY 82839

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

11-27-96

REVISED # 234

Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Kenneth J. Wells, Inc.
Land Surveying and Site Planning

Telephone: (410) 592-8600
Telecopier: (410) 817-4329

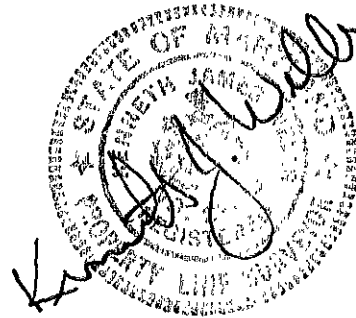
97-203-SPH

7403 New Cut Road
Kingsville, Md. 21087-1132

10/12/96

**ZONING DESCRIPTION
OF 7813 WISE AVENUE
BALTIMORE COUNTY
MARYLAND**

Being Lots 12 and 13 in the subdivision of "Eddlynch" as recorded in Baltimore County Plat Book No. 9 Folio No. 17 containing 10,380 square feet more or less. Also known as 7813 Wise Avenue and located in the 12th Election District.



MICROFILMED 203

NOTICE OF HEARINGS

The Zoning Commissioner of Baltimore County is publicly at 200 Zoning and Planning Board of Baltimore County will hear a public hearing on the property, located in Room 105 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-203-SPH (Item 203)

813 Wise Avenue
SS Wise Avenue, 970' W of
of Lynch Road
12th Beardon District

7th Courthouse
Legal Counsel:
Larry E. Hower and Gar-
aldine I. Hower
Contract Purchaser/Lessee:

Edwin Greer

Special Hearing: to approve
a use permit for the accessory
use of demographic art work
in a Residential Art Salon.
Hearing: Tuesday, December
3, 1996 at 10:00 a.m. in Rm.
118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations
Please Call 887-3353.
(2) For information concern-
ing the file and/or Hearing,
Please Call 887-3391.

11/15/92 Nov. 14 399/77

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 14, 1996

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Nov 14, 1996.

THE JEFFERSONIAN,

A. H. Williams
LEGAL AD. - TOWSON

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein at Room 106 of the County Office Building, 111 W. Chase Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-203-SP+4

(Item 203)

7813 Wise Avenue
SS Wise Avenue, 970' W of
of Lynch Road

12th Election District

7th Councilmanic

Legal Owner(s):

Larry G. Hoover and Gar-
aldine I. Hoover

Contract Purchaser/Lessee:

Elton Ensey

Special Hearing: to approve
a use permit for the accessory
use of demographic art work
in a Residential Art Salon.
Variance: to allow width of
driveway access to off-street
parking and aisle width as de-
scribed on site plan and to al-
low gravel surface of driveway
and parking spaces, and
marking of spaces other than
by striping.

Hearing: Wednesday, January
8, 1997 at 11:00 a.m. in Rm.
1106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
handicapped Accessible, for
special accommodations
Please Call 887-3363.

(2) For information concern-
ing the file and/or hearing,
Please Call 887-3397.

12/15/96 Dec. 19 C107735

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/19, 1996

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 12/19, 1996.

THE JEFFERSONIAN,

A. H. Anderson
LEGAL AD. - TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

029929

DATE 11-27-96 ACCOUNT R-001 6150

AMOUNT \$ 250.00

RECEIVED FROM: CL 700 FINEST

020 C.V. 7250.00

FOR: TOTAL 250.

MICROFILMED

DIADDD154MICR6

\$250.00

BA 0021433PM11-27-96

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

571-4234
11/27/96

CERTIFICATE OF POSTING

RE: Case No.: 97-203-SPH

Petitioner/Developer: _____

ELTON ENSOR

Date of Hearing/Closing: 2-10-97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 7813 WISE AVE.

BALTIMORE, MARYLAND 21222

The sign(s) were posted on _____

JAN. 23, 1997
(Month, Day, Year)

Sincerely,

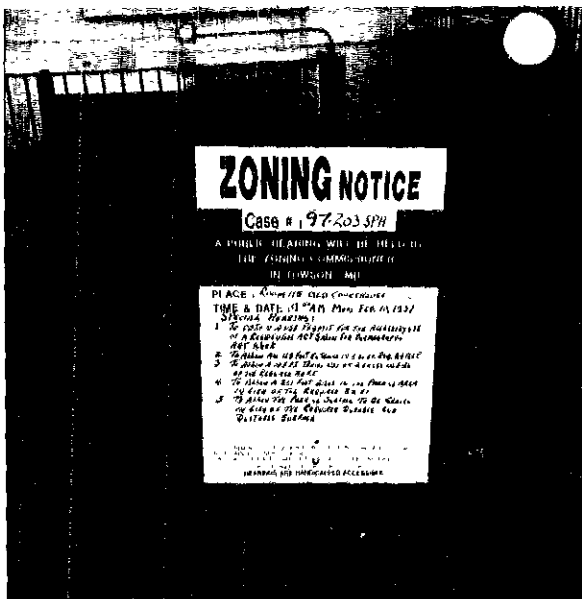
Thomas P. Doyle SA 1/23/97
(Signature of Sign Poster and Date)

Thomas P. Doyle SA
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221
(City, State, Zip Code)

(410) 651-5405
(Telephone Number)



97-203-SPH

RECEIVED

CERTIFICATE OF POSTING

RE: Case No.: 97-203-SPNA

Petitioner/Developer: LARRY G. HOOVER

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7813 WISC AVENUE

The sign(s) were posted on 5-8-97
(Month, Day, Year)

Sincerely,

Dennis Rioux
(Signature of Sign Poster and Date)

DENNIS RIOUX
(Printed Name)

111 W. CHESAPEAKE AVE.
(Address)

BALTO. MD 21204
(City, State, Zip Code)

887-3351
(Telephone Number)

CERTIFICATE OF POSTING

97-203 SPHA

RE: Case No. #7813 WISE AVE

Petitioner/Developer ELTON ENSOR, HOOVER, ETAL

% THOMAS GILL, ESQ (C&B)

Date of Hearing/Closing 10/19/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #7813 WISE AVE.

The sign(s) were posted on 10/3/98
(Month, Day, Year)

Sincerely,

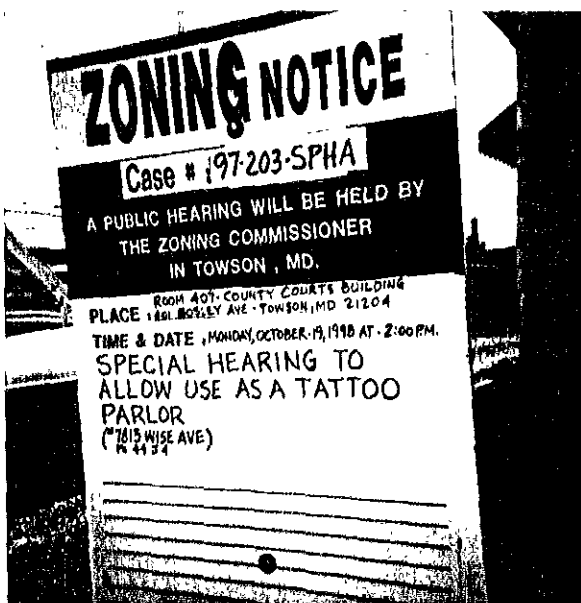
Patrick M. O'Keefe 10/8/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)



97-203 SPHA
#7813 WISE AVE

H. 10/19/98

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

97-203-SPH

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 2073

Petitioner: Eltan Ensor

Location: 7813 Wise Avenue (12th Election District)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: F. Vernon Boozer

ADDRESS: 614 Bosley Avenue
Towson, MD 21204

PHONE NUMBER: (410) 828-9441

AJ:ggs

(Revised 09/24/96)

TO: PUTOXENT PUBLISHING COMPANY
November 14, 1996 Issue - Jeffersonian

Please forward billing to:

F. Vernon Boozer, Esq
614 Bosley Avenue
Towson, MD 21204
828-9441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-203-SPH (Item 203)
813 Wise Avenue
S/S Wise Avenue, 970' W of c/l Lynch Road
12th Election District - 7th Councilmanic
Legal Owner(s): Larry G. Hoover and Geraldine T. Hoover
Contract Purchaser/Lessee: Elton Ensor

Special Hearing to approve a use permit for the accessory use of dermagraphic art work in a Residential Art Salon.

HEARING: TUESDAY, DECEMBER 3, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 14, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-203-SPH (Item 203)
813 Wise Avenue
S/S Wise Avenue, 970' W of c/l Lynch Road
12th Election District - 7th Councilmanic
Legal Owner(s): Larry G. Hoover and Geraldine T. Hoover
Contract Purchaser/Lessee: Elton Ensor

Special Hearing to approve a use permit for the accessory use of dermagraphic art work in a Residential Art Salon.

HEARING: TUESDAY, DECEMBER 3, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

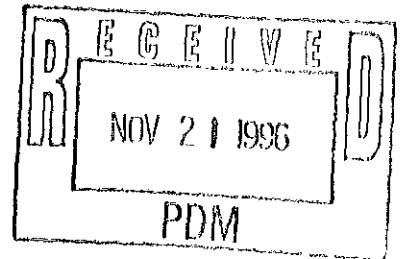
cc: Larry and Geraldine Hoover
Elton Ensor
F. Vernon Booker, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 18, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



96-5993



COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE
TOWSON, MD. 21204

EDWARD C COVAHEY, JR
F VERNON BOOZER *
MARK S DEVAN
ANTHONY J DIPAULA *
THOMAS P DORE
ROGER J SULLIVAN

* ALSO ADMITTED TO D. C. BAR

November 20, 1996

Mr. Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 7813 Wise Avenue (Case #97-203-SPH)

Dear Mr. Jablon:

I am writing to request that we be allowed to amend the above referenced Petition for Special Hearing for the property at 7813 Wise Avenue, to include a Petition for Variance.

In conjunction with this request for amendment, it is requested that the hearing date be rescheduled so that both the Petition for Special Hearing and the Petition for Variance can be consolidated and heard at the same time. The Petition for Variance addresses certain parking standards, and is directly linked with the use of the subject property.

I appreciate your consideration in this matter.

Very truly yours,

F. VERNON BOOZER

FVB/gab
cc: Mr. Elton Ensor

20`gab.01

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 25, 1996

NOTICE OF POSTPONEMENT

CASE NUMBER: 97-203-SPH
PETITIONER(S): LARRY HOOVER, ET UX/ELTON ENSOR
LOCATION: 7813 WISE AVENUE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON DECEMBER 3, 1996,
HAS BEEN POSTPONED AT THE REQUEST OF F. VERNON BOOZER, ATTORNEY FOR
PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: F. Vernon Boozer, Esq.
Larry and Geraldine Hoover
Elton Ensor

AJ:ggs



TO: PUTTENT PUBLISHING COMPANY
December 19, 1996 Issue - Jeffersonian

Please forward billing to:

F. Vernon Boozer, Esq
614 Bosley Avenue
Towson, MD 21204
828-9441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-203-SPHA (Item 203)
7813 Wise Avenue
S/S Wise Avenue, 970' W of c/l Lynch Road
12th Election District - 7th Councilmanic
Legal Owner(s): Larry G. Hoover and Geraldine T. Hoover
Contract Purchaser/Lessee: Elton Ensor

Special Hearing to approve a use permit for the accessory use of dermagraphic art work in a Residential Art Salon.

Variance to allow width of driveway access to off-street parking and aisle width as described on site plan and to allow gravel surface of driveway and parking spaces, and marking of spaces other than by striping.

HEARING: WEDNESDAY, JANUARY 8, 1997 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 13, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-203-SPHA (Item 203)
7813 Wise Avenue
S/S Wise Avenue, 970' W of c/l Lynch Road
12th Election District - 7th Councilmanic
Legal Owner(s): Larry G. Hoover and Geraldine T. Hoover
Contract Purchaser/Lessee: Elton Ensor

Special Hearing to approve a use permit for the accessory use of dermagraphic art work in a Residential Art Salon.
Variance to allow width of driveway access to off-street parking and aisle width as described on site plan and to allow gravel surface of driveway and parking spaces, and marking of spaces other than by striping.

HEARING: WEDNESDAY, JANUARY 8, 1997 at 11:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Larry and Geraldine Hoover
Elton Ensor
F. Vernon Booxer, Esq.

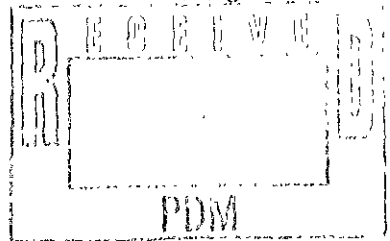
NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 23, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



12/26/96
48 JO 68
COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441



ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DIPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

FAX 410-823-7530

December 20, 1996

* ALSO ADMITTED TO D. C. BAR

Mr. Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 7813 Wise Avenue (Case #97-203-SPH)

Dear Mr. Jablon:

I have just received notice of the new Hearing date of January 8, 1997 for the above referenced Petition for Special Hearing and Variance and, unfortunately, I must request that the Hearing date be rescheduled. I have prior commitments for that date, and my associate, Jim McFaul, has a pre-planned vacation which conflicts with the Hearing date.

Again, I thank you for your consideration in this matter.

Very truly yours,

F. VERNON BOOZER

FVB/gab
cc: Mr. Elton Ensor

20`gab.08

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 10, 1997

NOTICE OF REASSIGNMENT

Rescheduled from 12/3/96 and 1/8/97
CASE NUMBER: 97-203-SPHA (Item 203)
7813 Wise Avenue
S/S Wise Avenue, 970' W of c/l Lynch Road
12th Election District - 7th Councilmanic
Legal Owner(s): Larry G. Hoover and Geraldine T. Hoover
Contract Purchaser/Lessee: Elton Ensor

Special Hearing to approve a use permit for the accessory use of
dermagraphic art work in a Residential Art Salon.
Variance to to permit width of driveway access to off-street parking and
aisle width as described on site plan attached; and to allow gravel
surface of driveway and parking spaces, and marking of spaces other
than by striping.

HEARING: MONDAY, FEBRUARY 10, 1997 at 9:00 a.m. in Room 118, Old
Courthouse, 400 Washington Avenue, Towson, Maryland.

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a faint circular stamp.

ARNOLD JABLON
DIRECTOR

cc: F. Vernon Boozer, Esq./Jim McFaul, Esq.
Elton Ensor
Larry and Geraldine Hoover

NOTE: SIGN TO BE REPOSTED ON OR BEFORE
JANUARY 26, 1997.

MICROFILM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 25, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-203-SPHA

IN THE MATTER OF: LARRY G. HOOVER, ET UX -
Petitioner 7813 Wise Avenue 12th E; 7th C

(Petitions for Special Hearing and Variance
GRANTED.)

*PP'd @
my of Boozers
sent to
11/18/97*

ASSIGNED FOR:

TUESDAY, AUGUST 12, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Administrator

cc: Appellant : People's Counsel for Balto County

Counsel for Petitioners : F. Vernon Boozer, Esquire
Petitioners /Legal Owners : Mr. and Mrs. Larry G. Hoover
Contract Purchaser /Lessee : Elton Ensor

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney
James H. Thompson /Code Enforcement -PDM

MICROFILMED



COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

AREA CODE 410

828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER *

MARK S. DEVAN

ANTHONY J. DIPAULA *

THOMAS P. DORE

ROGER J. SULLIVAN

ANNEX OFFICE

SUITE 302

606 BALTIMORE AVE

TOWSON, MD 21204

July 15, 1997

* ALSO ADMITTED TO D. C. BAR

County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: Kathleen C. Bianco, Administrator

RE: CASE NO.: 97-203-SPHA
IN THE MATTER OF LARRY G. HOOVER, ET UX.

Dear Ms. Bianco:

I am writing to request a postponement of the above referenced matter, which is currently scheduled for a hearing on August 12. The reason for this request is that the County Council has passed two (2) Bills recently that may make the appeal moot.

One Bill is No. 76-97, which amends the provisions concerning residential art salons to exclude tattoo or body piercing establishments from the definition of a residential art salon. The second matter was a Council Resolution to the County Planning Board, requesting that the Planning Board study the issue of tattoo parlors in the County and make recommendations as to which zones might accommodate tattoo parlors, and the conditions under which they would be allowed.

The appeal in this case concerns an establishment of Mr. Ensor's at 7813 Wise Avenue, in Dundalk. The parlor is located in a BL-zone, in a heavily commercial area. There were no protestants at the Zoning Commissioner's hearing, and Mr. Ensor has the support of the local business community. The Zoning Commissioner approved the use as a residential art salon prior to the recent Council legislation, but the decision was appealed by People's Counsel.

Rather than proceed with the appeal, it would seem more prudent to await the recommendations of the Planning Board concerning tattoo parlors. If they recommend allowing tattoo

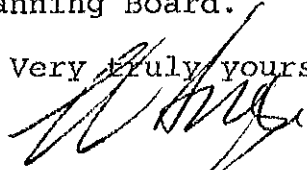
RECEIVED
COUNTY BOARD OF APPEALS
97 JUL 16 PM 5:30

MICROFILMED

County Board of Appeals of Baltimore County
July 15, 1997
Page 2

parlors in Mr. Ensor's zone, perhaps subject to a special exception hearing requirement, Mr. Ensor could then proceed under the new regulations. To attempt to resolve the matter under the current zoning provisions, knowing that new regulations may be forthcoming, would not be an efficient use of the Board's time, nor that of People's Counsel or Mr. Ensor. My associate, Jim McFaul, has spoken to Carol Demilio from the office of People's Counsel, and she has no objection. Accordingly, I request that the hearing be postponed for a reasonable time, pending the study and recommendations by the County Planning Board.

Very truly yours,



F. Vernon Boozer

FVB/ds
7`ds.87

cc: Elton Ensor

MC627110



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 24, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

PPJ 11/05/97 @ reg of Counsel for Petitioners
CASE #: 97-203-SPHA IN THE MATTER OF: LARRY G. HOOVER, ET UX -
Petitioner 7813 Wise Avenue 12th E; 7th C
(Petitions for Special Hearing and Variance
GRANTED.)

which was scheduled for hearing before the Board on August 12, 1997 has been
POSTPONED at the request of Counsel for Petitioners, and without objection by
the Office of People's Counsel; and has been

Reassigned for Tuesday, Nov 18, 1997 at 10:00 a.m.
REASSIGNED FOR: TUESDAY, NOVEMBER 18, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient
reasons; said requests must be in writing and in compliance
with Rule 2(b) of the Board's Rules. No postponements will
be granted within 15 days of scheduled hearing date unless
in full compliance with Rule 2(c). For further
information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Administrator

cc: Appellant : People's Counsel for Balto County

Counsel for Petitioners : F. Vernon Boozer, Esquire
Petitioners /Legal Owners : Mr. and Mrs. Larry G. Hoover
Contract Purchaser /Lessee : Elton Ensor

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
James H. Thompson, Code Enforcement /PDM
Virginia W. Barnhart, County Attorney



COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

AREA CODE 410

828-9441

EDWARD C. COVAHEY, JR

F VERNON BOOZER *

MARK S. DEVAN

ANTHONY J. DiPAULA *

THOMAS P. DORE

ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE

SUITE 302

606 BALTIMORE AVE

TOWSON, MD 21204

* ALSO ADMITTED TO D. C. BAR

October 30, 1997

County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: KATHLEEN C. BIANCO,
ADMINISTRATOR

RE: In the Matter of Larry G. Hoover, Et Ux
Case No. 97-203-SPHA


Dear Ms. Bianco:

I am writing to request an indefinite postponement of the above referenced matter, until the County Planning Board and County Council have approved final legislation regulating tattoo parlors in Baltimore County. The matter is currently being actively studied by the County Planning Staff, and a proposal is expected to be presented to the Planning Board in the near future.

Until it is determined in which zones tattoo parlors will ultimately be permitted, it would seem premature to attempt to proceed in the present matter.

I point out that there were no protestants at the hearing before the Zoning Commissioner, and that there have been no allegations of health hazards or other nuisances associated with Mr. Ensor's business. There would therefore be no prejudice to any party if this matter were postponed indefinitely, until final regulations are adopted by the Council.

Very truly yours,


JAMES V. McFAUL

SS:1 Md 8-AON 76

JVM/gab

cc: Mr. Elton Ensor

30`gab.01

RECEIVED
COUNTY BOARD OF APPEALS
OCT 31 1997

MICROFILMED



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 3, 1997

Kathleen C. Bianco, Administrator
County Board of Appeals for
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing
7813 Wise Avenue, S/S Wise Ave,
970' W of c/l Lynch Road
12th Election District, 7th
Councilmanic
LEGAL OWNERS: LARRY HOOVER, ET UX
LESSEE: ELTON ENSOR,
Petitioners
Case No. 97-203-SPH

Dear Ms. Bianco:

Thank you for notifying this office of the October 30, 1997 request for postponement by Petitioner. In view of the pendency of potential legislation on the subject of tattoo parlors, this office does not object to the second request for postponement by the Petitioner in this case.

However, we do not believe that the case should be delayed indefinitely. Therefore, we request that it be set back in for assignment at a convenient time on the Board docket.

If legislation is not forthcoming by then, we ask that the case be tried. We also send a copy of this letter to counsel for the Petitioner and trust that we will receive copies of any further correspondence from them on this matter.

RECEIVED
COUNTY BOARD OF APPEALS
97 NOV -4 PM 2:56

MICROFILMED

Kathleen C. Bianco, Administrator
County Board of Appeals for
Baltimore County
November 3, 1997
Page Two

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: James V. McFaul, Esq.
Covahey & Boozer, P.A.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 5, 1997

NOTICE OF POSTPONEMENT

CASE #: 97-203-SPHA

IN THE MATTER OF: LARRY G. HOOVER, ET UX -
Petitioner 7813 Wise Avenue 12th E; 7th C

(Petitions for Special Hearing and Variance
GRANTED.)

which was scheduled for hearing before the Board on November 18, 1997 has been POSTPONED at the request of Counsel for Petitioners, and without objection by the Office of People's Counsel; to be rescheduled for hearing at a later date.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Administrator

cc: Appellant : People's Counsel for Balto County

Counsel for Petitioners : F. Vernon Boozer, Esquire
: James V. McFaul, Esquire
Petitioners /Legal Owners : Mr. and Mrs. Larry G. Hoover
Contract Purchaser /Lessee : Elton Ensor

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
James H. Thompson, Code Enforcement /PDM
Virginia W. Barnhart, County Attorney

*12/29/97 - put for
hearing on 4/21/97
@ 10:00 am.*

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 29, 1997

NOTICE OF REASSIGNMENT

CASE #: 97-203-SPHA IN THE MATTER OF: LARRY G. HOOVER, ET UX -
Petitioner 7813 Wise Avenue 12th E; 7th C

(Petitions for Special Hearing and Variance
GRANTED.)

which had been postponed from an earlier hearing date has been

REASSIGNED FOR: TUESDAY, APRIL 21, 1998 @ 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C,
Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient
reasons; said requests must be in writing and in compliance with Rule
2(b) of the Board's Rules. No postponements will be granted within 15
days of scheduled hearing date unless in full compliance with Rule
2(c).

Kathleen C. Bianco
Administrator

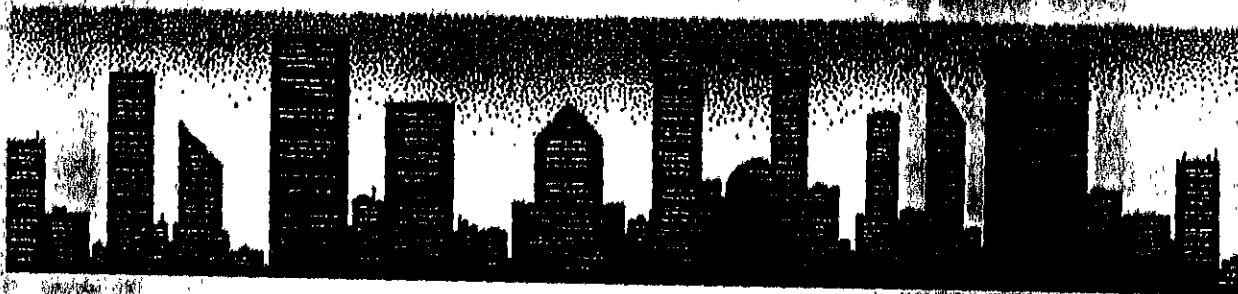
cc: Appellant : People's Counsel for Balto County

Counsel for Petitioners : F. Vernon Boozer, Esquire
 : James V. McFaul, Esquire
Petitioners /Legal Owners : Mr. and Mrs. Larry G. Hoover
Contract Purchaser /Lessee : Elton Ensor

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
James H. Thompson, Code Enforcement /PDM
Virginia W. Barnhart, County Attorney

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We as business owners and professionals wish to convey our support of Gypsy's Fine Line Tattoo Studio in regards to their petition for zoning renewal. Ourselves, working in the area, see Gypsy's as an asset to the local community. Their clientele generate sales for the surrounding businesses that might not normally do otherwise. We wish to see the artists at Gypsy's retain their place in our community.

PETITIONER'S EXHIBIT 15

Business: HUDSON ST. CAN CO. SALON

Signature: [Signature]

Business: VFW

Signature: [Signature]

Business: HIDE-A-WAY

Signature: [Signature]

Business: VFW # 6694

Signature: [Signature]

Business: Retired

Signature: [Signature]

Business: Retired

Signature: [Signature]

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 26, 1996

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Item No.: 203
Case No.: 97-203-SPH
Petitioner: Larry Hoover, et ux

Dear Mr. Boozer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 30, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

97-203-SPH

TO: Arnold Jablon, Director
Permits and Development Management

DATE: November 15, 1996

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 7813 Wise Avenue

INFORMATION:

Item Number: 203
Petitioner: Elton Ensor
Property Size:
Zoning: B.L.
Requested Action:
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

In case No. 96-107 SPH, the Zoning Commissioner wrote an extensive Opinion regarding a Special Hearing which sought a finding that a "tattoo and design studio is a permitted use as of right in a B.M.C.T. zone." This well written Order provided detailed information regarding the operation of a tattoo business and described the actual process of tattoo application.

Emphasizing the real purpose of the hearing, the Zoning Commissioner pointed out that "...this case is not about the desirability of tattoo parlors or the character of those who tattoo or are tattooed... The sole issue before this Zoning Commissioner is whether the use is permitted at this locale under the BCZR."

After consideration of the Petitioner's request, the Zoning Commissioner denied the Petition for Special Hearing because the Baltimore County Zoning Regulations and case law require that uses be designated as permissible by right or special exception in order to be allowed.

Based upon a review of the information provided and Case No. 96-107-SPH, the Office of Planning recommends that the applicant's request be denied. Clearly, no legislative provision exists to allow a tattoo parlor in a B.L. zone.

Prepared by: Jeffrey M. Levy

Division Chief: Gary L. Kerns

AFK/JL:vjc

ITEM203/PZONE/ZAC1

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**Maryland Department of Transportation
State Highway Administration**

97-203-SPH

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 11-11-86
Item No. 203 (JRA)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

97-003-SPH INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 11/13/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: NOV. 12, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

197

198

200

203

RBS:sp

BRUCE2/DEPRM/TXTSBP

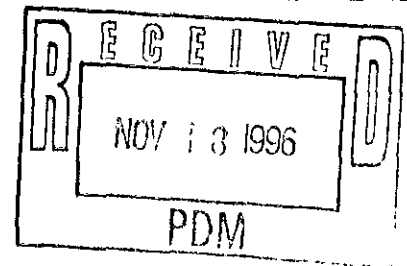
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Baltimore County Government
Fire Department

97-203-SPH



700 East Joppa Road
Towson, MD 21286-5500



Office of the Fire Marshal
(410) 887-4880

DATE: 11/14/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF NOV. 12, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 196, 197, 198, 199, 200, 201,
202 AND 203.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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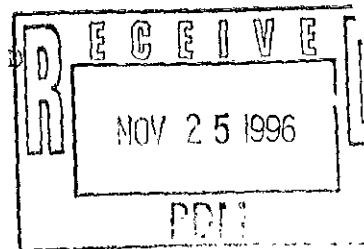


Alexand.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

97-203-SPH



TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 19, 1996

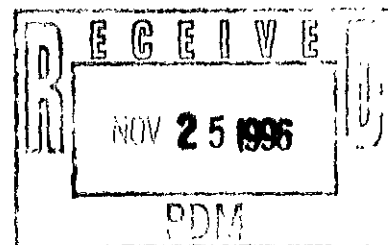
FROM: *Pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for November 18, 1996
Item Nos. 197, 198, 199, 202, &
253

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



ZONEJ7

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97-203

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: November 15, 1996

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 7813 Wise Avenue

INFORMATION:

Item Number: 203

Petitioner: Elton Ensor

Property Size:

Zoning: B.L.

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

In case No. 96-107 SPH, the Zoning Commissioner wrote an extensive Opinion regarding a Special Hearing which sought a finding that a "tattoo and design studio is a permitted use as of right in a B.M.C.T. zone." This well written Order provided detailed information regarding the operation of a tattoo business and described the actual process of tattoo application.

Emphasizing the real purpose of the hearing, the Zoning Commissioner pointed out that "...this case is not about the desirability of tattoo parlors or the character of those who tattoo or are tattooed... The sole issue before this Zoning Commissioner is whether the use is permitted at this locale under the BCZR."

After consideration of the Petitioner's request, the Zoning Commissioner denied the Petition for Special Hearing because the Baltimore County Zoning Regulations and case law require that uses be designated as permissible by right or special exception in order to be allowed.

Based upon a review of the information provided and Case No. 96-107-SPH, the Office of Planning recommends that the applicant's request be denied. Clearly, no legislative provision exists to allow a tattoo parlor in a B.L. zone.

Prepared by: Jeffrey M. Lee

Division Chief: Gary L. Kerns

AFK/JL:vjc

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ITEM203/PZONE/ZAC1



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Court-House
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 31, 1997

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - 7813 Wise Avenue,
S/S Wise Avenue, 970' W of c/l Lynch Rd,
12th Election District, 7th Councilmanic
LARRY G. HOOVER, ET UX., Legal Owners
ELTON ENSOR, Contract Lessee
Case No. 97-203 SPHA

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated March 21, 1997 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

A handwritten signature in cursive script, reading "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

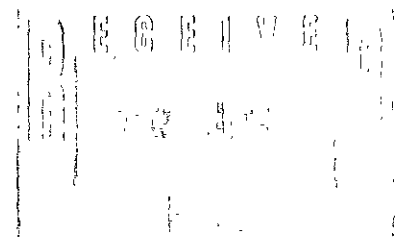
A handwritten signature in cursive script, reading "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

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PMZ/CSD/caf

cc: F. Vernon Boozer, Esq.
Attorney for Petitioners





Baltimore County
Department of
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 2, 1997

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Petitions for Special
Hearing and Variance
S/S Wise Avenue, 970' W
of the c/l of Lynch Road
(7813 Wise Avenue)
12th Election District
7th Councilmanic District
Larry G. Hoover, et ux -
Petitioner
Case No. 97-203-SPHA

Dear Mr. Boozer:

Please be advised that an appeal of the above-referenced case was filed in this office on April 1, 1997 by Peter Max Zimmerman and Carole S. Demilio on behalf of the People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp.

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel

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Printed with Soybean Ink
on Recycled Paper

Petitions for Special Hearing and Variance
S/S Wise Avenue, 970' W of the c/l of Lynch Road
(7813 Wise Avenue)

Petitions for Special Hearing and Variance

Certificate of Posting

Certificates of Publication

Zoning Advisory Committee Comments

Deputy Zoning Commissioner's Order dated March 21, 1997 (Granted)

c: F. Vernon Boozar, Esquire, 614 Bosley Avenue, Towson, MD 21204
Mr. & Mrs. Larry G. Hoover, 189 Wolf Creek Rd, Ranchester, WY 87839
Mr. Elton Ensor, 109 W. Main Street, Hancock, MD 21750
People's Counsel of Baltimore County, M.S. 2010

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 13, 1998

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, MD 21204

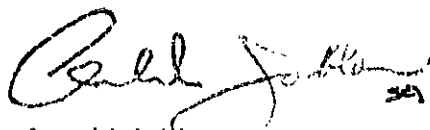
RE: Case Number 97-203-SPHA
Petitioner: Hoover
Location: 813 Wise Avenue
12th Election District
7813 per. owner

Dear Mr. Boozer:

The above matter has been **rescheduled for Friday, June 5, 1998 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.** This case was remanded from the Board of Appeals to the Deputy Zoning Commissioner in an order issued on April 27, 1998.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,


Arnold Jablon
Director

AJ:scj

c: Geraldine & Larry Hoover
Elton Ensor
People's Counsel for Baltimore County

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 1, 1998

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Case Number 97-203-SPHA
Petitioner: Hoover
Location: 7813 Wise Avenue
12th Election District

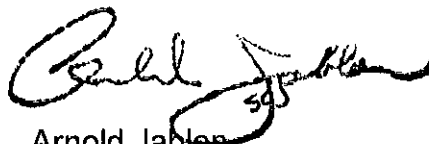
Dear Mr. Boozer:

The above matter, previously assigned to be heard on Friday, June 5, 1998 has been postponed at the request of the Deputy Zoning Commissioner.

Please be advised that once a new date has been scheduled, you will be notified and you will be required to post the property at that time for the required 15 days.

If you have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,



Arnold Jablon
Director

AJ:scj

c: Geraldine & Larry Hoover
Elton Ensor
People's Counsel for Baltimore County

NOT RECORDED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 28, 1998

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Case Number 97-203-SPHA
Petitioner: Hoover
Location: 7813 Wise Avenue

Dear Mr. Boozer:

The above matter, previously assigned to be heard on June 5, 1998 has been **rescheduled for Tuesday, September 8, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson.**

The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:scj

c: Geraldine & Larry Hoover
Elton Ensor
People's Counsel for Baltimore County
West Imberness Community Association
Lorraine Gordon

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Car Wash & Ac

Rechecked. ^{some} parties

did not show! in

Tim K.

9/9/98-TC to
TMC - Do NOT

Proof Sci



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 28, 1998

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Boozer:

RE: Zoning Case #97-203-SPH, 7813 Wise Avenue

The above matter, previously assigned to be heard on September 8, 1998 has been **rescheduled for Monday, October 19, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a stylized flourish at the end.

Arnold Jablon
Director

AJ:scj

c: Geraldine & Larry Hoover
Elton Ensor
People's Counsel for Baltimore County
West Imberness Community Association
Lorraine Gordon

Come visit the County's Website at www.co.ba.md.us

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Printed with Soybean Ink
on Recycled Paper

Jem

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Ebenezer Road, 300' S of *
the c/l Railroad Avenue * ZONING COMMISSIONER
(5508 Ebenezer Road) *
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 96-161-SPH

Peter C. Sugatt, et ux, Owners; *
John Brooks, Contract Lessee - *
Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner on Remand from the County Board of Appeals, pursuant to its Order dated May 13, 1998, which required that this Zoning Commissioner reconsider the issues presented in the above-captioned case, "in light of the new legislation" (i.e., the passage of Bill No. 29-98).

A review of the history of this case is appropriate. The subject property consists of a gross area of .376 acres, more or less, zoned B.L., and is located on the east side of Ebenezer Road, not far from Pulaski Highway in White Marsh. The property is owned by Peter and Cynthia Sugatt, and is leased by John Brooks, who operates a tattoo salon on the premises. The property is improved with a two-story frame building, a gravel parking area, and shed. Mr. Brooks is a tattoo artist by occupation and has leased the subject property for his tattoo shop since March, 1995. In October, 1995, the owners of the property, Peter and Cynthia Sugatt, and Mr. Brooks filed a Petition for Special Hearing seeking approval of a use permit for, and/or a determination that, a dermagraphic art and design studio (tattoo shop) is a permitted use, or a use in combination with other uses on the subject property, zoned B.L. A hearing on the matter was held before me on November 25, 1995, after which I issued an Order dated March 6, 1997 denying the Petition. In that Order, I outlined the details of Mr. Brooks'

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operation and the state of the law as it existed at that time. I noted that the first floor of the premises was used as a dog grooming studio and that Mr. Brooks' operation occupied the second floor. I also found that Mr. Brooks' studio provided body piercing, the preparation of "flash" (original works of art and design which can be sold directly or used as a basis for the design of tattoos), and that Mr. Brooks also tattooed customers on the premises.

As to the law, I noted that the Baltimore County Zoning Regulations (B.C.Z.R.) are written in the inclusive. That is, only uses identified within the regulations as permitted by right or by special exception are allowed. I also noted that a review of Section 230 of the B.C.Z.R., which regulates the B.L. zone, shows that tattoo salons are not identified as uses permitted either by right or by special exception. In fact, at that time, tattoo parlors were not defined within the definitional section (Section 101) of the B.C.Z.R. Thus, I found that the relief requested could not be granted and concluded, "In my judgment, tattoo studios are prohibited by the B.C.Z.R. until such time as the County Council sees fit to enact a law specifically defining and regulating this business, or, unless a specific business falls within the residential art salon definition."

An appeal followed; however, before the appeal could be heard and considered by the County Board of Appeals, the County Council enacted Bill No. 29-98 which took effect on April 15, 1998. This Bill regulates tattoo and body piercing establishments, in addition to adult entertainment businesses and massage establishments. In view of this legislation, the County Board of Appeals directed a remand of this case to the Zoning Commissioner for further consideration consistent with that legislation.

Thus, a hearing was scheduled before me on July 30, 1998. Appearing before me at the requisite public hearing on remand were John Brooks, and his attorney, Charles Lamasa, Esquire. Also present were Adam E. Paul, Sr., President of the White Marsh Civic Association, and J. Carroll Holzer, Esquire, who represented that organization.

The issues under consideration on the remand are exclusive and legal in nature. There is no dispute that Mr. Brooks operates a tattoo business on the subject property and has done so since at least early 1995. Moreover, the specifics of the property, e.g., its B.L. zoning, its size, and improvements thereon, etc., are not contradicted.

Bill No. 29-98 comprehensively regulates adult entertainment businesses, massage parlors, and tattoo or body piercing establishments. The Bill directs in which zones those uses are permitted, the applicable setbacks which must be maintained, and the enforcement for violations of the Bill. Section 6 of the Bill is that portion which generates the issue before me. As passed, Section 6 provides, "AND BE IT FURTHER ENACTED, that this Act does not apply to a massage establishment or tattoo or body piercing establishment in existence in a business or commercial zone for at least 12 months prior to the effective date of this Act, except if a massage establishment, tattoo or body piercing establishment relocates. This Section is not intended to waive any other provision or requirement of state or county law in effect prior to the effective date of this Act." Mr. Holzer on behalf of the White Marsh Community Association argues that this language does not grandfather existing tattoo or body piercing establishments to legitimize same. Rather, he contends that the language employed merely provides that for such establishments which existed at least one year prior to the Act, the prior law controls. As summarized in

the opinion and order previously issued by me in this case, there was no law prior to Bill No. 29-98 permitting tattoo parlors. Thus, Mr. Holzer argues that since the prior law controls and tattoo parlors were not permitted under same, Mr. Brooks' operation is not allowed.

To the contrary, Mr. Lamasa argues that Section 6 legitimizes Mr. Brooks' operation. He urges a finding that since Mr. Brooks' operation is located within a business zone and has been there for at least one year prior to the effective date of Bill No. 29-98, that same may continue.

The cardinal rule in the construction of statutes is to give effect to the intention of the legislature, and in determining that intention, the reviewing body or Court considers the language of the enactment in its natural and ordinary signification. See Germenko, et al v. Public Service Commission, 226 Md. 295 (1961). The language of the statute is to be given its natural and ordinary meaning. See Montgomery County v. Buckman, 333 Md. 516 (1994). There is no need to look elsewhere to ascertain the intent of the legislative body if there is no ambiguity or obscurity in the language of the statute.

The mere fact that the parties legitimately interpret the language of Section 6 of the Bill differently is compelling to a finding that there is ambiguity or obscurity in the language of the statute. Moreover, it is clear that statutes are to be read so that no word, clause, sentence or phrase, is rendered surplusage, superfluous, meaningless, or negatory. See State v. 149 Slot Machines, 310 Md. 356 (1987). If the Protestants' interpretation of the act were to be adopted, indeed Section 6 would be superfluous. That is, Counsel for the White Marsh Civic Association argues that Section 6 does nothing more than state that the law as it existed prior to the adoption of the Act controls pre-existing tattoo or body

piercing establishments. That obvious conclusion is clear on its face and the language employed in Section 6 would not need to have been specifically set out if that were the Council's intent.

More compelling is a review of the history of the statute. Originally, Section 6 was proposed to state: "AND BE IT FURTHER ENACTED, that this Act does not apply to a massage establishment or tattoo or body piercing establishment lawfully established prior to the effective date of this Act, except if a massage establishment or tattoo or body piercing establishment relocates." (emphasis added)

I find it significant that the Bill was originally drafted with the words "lawfully established", and that those words were then deleted. In my judgment, it is clear that the Council, when considering the Bill's original language, observed that existing tattoo or body piercing establishments needed to be legitimate under law in order to be grandfathered. That is, the requirement that the establishments be "lawfully established" means that they were granted permission to operate either by the Zoning Commissioner or by right under the B.C.Z.R.

A deletion of the "lawfully established" requirement is a clear indication that the Council recognized that, except in limited cases, existing establishments had not been lawfully established. That is, but for the single decision of this Office (In Re: the Petition of Elton Ensor, Case No. 93-260-SPH), no tattoo establishments were recognized as permitted under the then existing B.C.Z.R. In my opinion, the deletion of the "lawfully established" language is a clear indication that the Council intended to legitimize any existing tattoo or body piercing establishment which existed in a commercial or business zone for one year prior to the Act, despite whether such establishment had been legitimized by a prior

case or by prior law. I believe that the adopted language of Section 6 effectively grandfathers and permits the continued operation of tattoo and body piercing establishments which were in existence on April 15, 1997, unless same relocates.

Support for this conclusion is also found by the language in Section 4 of the Bill. That Section provides grandfathering language for adult entertainment businesses. That Section specifically allows only "lawfully established" adult entertainment businesses to continue. The fact that the Council retained the "lawfully established" language for adult entertainment businesses, but did not do so for tattoo shops, is significant.

Moreover, the Act provides a sunset provision for the continuance of adult entertainment businesses, but no such language for tattoo shops. This omission further supports the conclusion that pre-existing tattoo establishments may continue.

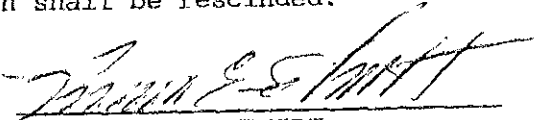
For these reasons, I am persuaded that Mr. Brooks' operation is permissible under law. Therefore, the operation may continue at its present location, and the remanded Petition for Special Hearing shall be granted, allowing the continued operation of the existing shop as permitted by the language in Bill No. 29-98.

Pursuant to the advertising and posting of the property, and public hearing held thereon, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August, 1998, that the remanded Petition for Special Hearing to approve a use permit for, and/or a determination that, a dermagraphic art and design studio is a permitted use, or a use in

combination on the second floor of the subject premises, zoned B.L., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1998, Legislative Day No. 4

Bill No. 29-98

Councilmembers Moxley, Kamenetz, McIntire, Riley, Gardina, Bartenfelder, and DePazzo
By Request of County Executive

By the County Council, February 17, 1998

A BILL
ENTITLED

AN ACT concerning

Adult Entertainment Businesses, Massage Establishments,
and Tattoo or Body Piercing Establishments

For the purpose of amending the Zoning Regulations in order to regulate the location of adult entertainment businesses, massage establishments, and tattoo or body piercing establishments; requiring adult entertainment businesses to obtain a license; requiring adult entertainment businesses to have a certain interior arrangement; establishing terms and renewal of the license and grounds for suspension or revocation of the license; prohibiting the transfer of a license; requiring the Director to conduct certain inspections; establishing certain criminal and civil penalties; establishing certain appeals; providing for certain application requirements; stating certain findings; defining certain terms; providing for the application of this Act; providing for the effective date of this Act; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining INDICATES AMENDMENTS TO BILL.

MICROFILMED

generally relating to adult entertainment businesses, massage establishments, and tattoo or body piercing establishments.

BY repealing and reenacting, with amendments,

Section 101, ~~definition~~ definitions of "Medical Practitioner" and "Striptease Business"
Baltimore County Zoning Regulations, as amended

BY adding

Sections 4B-101 and 4B-102
Article 4B - M.H. Zones
Baltimore County Zoning Regulations, as amended

By adding

Sections 24-470 to 24-483
Article XII, Adult Entertainment Businesses
Title 24. Permits and Licenses and Business Regulation
Baltimore County Code, 1988

WHEREAS, in April of 1997, the Baltimore County Council requested the advice of the Planning Board on the issue of the regulation of adult video and book stores in Baltimore County; and

WHEREAS, the Office of Planning has issued a staff report indicating and the Council believes that there is a demonstrated need for immediate legislative action on this regulatory issue; and

WHEREAS, the Baltimore County Council finds that, in order to protect the health, safety and welfare of the county's citizens, it is necessary to allow suitable locations for certain adult entertainment businesses, massage establishments, and tattoo or body piercing establishments while limiting their adverse secondary effects on the community; and

WHEREAS, the County Council finds that adult entertainment businesses, massage establishments and tattoo or body piercing establishments frequently are used for unlawful sexual activities, may facilitate the transmission of diseases, contribute generally to crime, decrease property values, and adversely impact the quality of life in their surrounding areas; and

WHEREAS, many land use studies have documented the adverse secondary effects of certain adult entertainment businesses, massage establishments, and tattoo or body piercing establishments; and

WHEREAS, in order to lessen and control these effects and to limit exposure of these businesses to children, it is necessary to place certain restrictions on the location and arrangement of adult entertainment businesses, massage establishments, and tattoo or body piercing establishments, now therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 101 - Definitions, the ~~definition~~ definitions of "Medical Practitioner" and "Striptease Business" of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and reenacted to read as follows:

Section 101 - Definitions.

Medical Practitioner: A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse, MASSAGE THERAPIST, or other similar health professional licensed OR CERTIFIED by the state.

Striptease Business: A commercial establishment where persons appear in a state of total or partial nudity in person [or on film, slides or videotapes. For the purposes of this definition, the term "film" shall not include motion pictures rated by the Motion Picture Association of

1 America]. Such establishment shall, for example, include, but not be limited to, a restaurant,
2 nightclub, dance club[, peep show] or social hall if such entertainment is provided as an
3 accessory or principal use. A striptease business, including the building or portion thereof that
4 contains or advertises the business, must be located at least 1000 feet from a dwelling, church,
5 park, child care center or school existing on the effective date of this legislation and be arranged
6 so that the interior is not visible from the outside. A striptease business may not operate between
7 2:00 A.M. and 6:00 A.M.

8 For the purpose of this definition, an establishment which is duly licensed by the Board
9 of Liquor Commissioners for Baltimore County and which features striptease dancing, nudity, or
10 partial nudity as an accessory use shall not be considered a striptease establishment, except that it
11 shall satisfy the setback limitation established hereinabove for a striptease business.

12 The 1,000 foot distance requirement shall be considered an area requirement and, in
13 addition to the authority and limitations set forth in Section 307.1 of these regulations, a variance
14 may be granted if strict compliance with said setback would result in severe economic
15 circumstances which are NOT the result of actions by the Petitioner.

16 SECTION 2. AND BE IT FURTHER ENACTED, that Article 4B, Sections 4B-101
17 through 4B-102, inclusive, be and they are hereby added to the Baltimore County Zoning
18 regulations, as amended, to read as follows:

19 ARTICLE 4B - M. H. ZONES

20 SECTION 4B-101. DEFINITIONS

21 (A) AS USED IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE
22 MEANINGS INDICATED.

1 (B) ADULT ENTERTAINMENT BUSINESS MEANS AN ADULT STORE OR AN
2 ADULT MOVIE THEATER.

3 (C) (1) ADULT STORE MEANS A BUSINESS ESTABLISHMENT OPEN TO
4 THE PUBLIC, OR TO MEMBERS, THAT OFFERS FOR SALE OR RENTAL ANY
5 PRINTED, RECORDED, PHOTOGRAPHED, FILMED OR OTHERWISE VIEWABLE
6 MATERIAL, OR ANY SEXUALLY ORIENTED PARAPHERNALIA OR AID, IF A
7 SUBSTANTIAL PORTION OF THE STOCK OR TRADE IS CHARACTERIZED BY AN
8 EMPHASIS ON MATTERS DEPICTING, DESCRIBING OR RELATING TO SEXUAL
9 ACTIVITIES.

10 (2) THE TERM DOES NOT INCLUDE A MOTION PICTURE THEATER
11 WHICH HAS SEATING FOR AT LEAST 50 PERSONS PER SCREEN.

12 (D) (1) ADULT MOVIE THEATER MEANS A BUSINESS ESTABLISHMENT
13 OPEN TO THE PUBLIC, OR TO MEMBERS, THAT MAINTAINS DISPLAY DEVICES FOR
14 VIEWING ON THE PREMISES FILES, VIDEOS OR OTHER VIEWABLE MATERIAL, IF A
15 SUBSTANTIAL PORTION OF THE STOCK OR TRADE IS CHARACTERIZED BY AN
16 EMPHASIS ON MATTERS DEPICTING, DESCRIBING OR RELATING TO SEXUAL
17 ACTIVITIES .

18 (2) ADULT MOVIE THEATER DOES NOT INCLUDE A MOTION
19 PICTURE THEATER WHICH HAS SEATING FOR AT LEAST 50 PERSONS PER SCREEN.

20 (E) DISPLAY DEVICE MEANS AN ELECTRONICALLY OR MECHANICALLY
21 CONTROLLED STILL OR MOTION PICTURE MACHINE, FILM PROJECTOR,
22 VIDEOTAPE PLAYER, OR OTHER IMAGE-PRODUCING DEVICE THAT MAY BE

1 ACTIVATED DIRECTLY OR INDIRECTLY BY VIEWERS OR AT THE REQUEST OF
2 VIEWERS FOR WHICH A FEE IS CHARGED.

3 (F) MESSAGE MEANS ANY METHOD OF TREATING THE EXTERNAL
4 PARTS OF THE HUMAN BODY, FOR COMPENSATION, BY TOUCHING, RUBBING,
5 STROKING, KNEADING, TAPPING OR VIBRATING WITH THE HAND, ARM, FOOT OR
6 OTHER BODY PART PROVIDED BY A MESSAGE TECHNICIAN.

7 (G) (1) MESSAGE ESTABLISHMENT MEANS ANY ESTABLISHMENT
8 WHERE A MESSAGE TECHNICIAN ADMINISTERS A MESSAGE TO ANOTHER
9 PERSON FOR COMPENSATION.

10 (2) MESSAGE ESTABLISHMENT DOES NOT INCLUDE A HOSPITAL,
11 NURSING HOME, MEDICAL CLINIC OR OTHER ESTABLISHMENT WHERE
12 MESSAGES ARE ADMINISTERED BY INDIVIDUALS IDENTIFIED UNDER §24-442 OF
13 THE BALTIMORE COUNTY CODE.

14 (H) (1) MESSAGE TECHNICIAN MEANS AN INDIVIDUAL WHO
15 ADMINISTERS A MESSAGE TO ANOTHER INDIVIDUAL FOR COMPENSATION.

16 (2) MESSAGE TECHNICIAN DOES NOT INCLUDE:

17 (I) A CERTIFIED MESSAGE THERAPIST AS DEFINED BY
18 §3-5A-01 OF THE HEALTH OCCUPATIONS ARTICLE OF THE ANNOTATED CODE
19 OF MARYLAND; OR

20 (II) A MEDICAL PRACTITIONER AS DEFINED BY §101 OF
21 THESE REGULATIONS.

1 (I) SEXUAL ACTIVITIES INCLUDES NUDITY OR PARTIAL NUDITY, AS
2 DEFINED IN §101, AND SEXUAL CONDUCT, SEXUAL EXCITEMENT OR
3 SADOMASOCHISTIC ABUSE, AS DEFINED IN ARTICLE 27, §416A OF THE
4 ANNOTATED CODE OF MARYLAND.

5 (J) (1) SKIN PENETRATING BODY ADORNMENT PROCEDURE MEANS
6 A PROCESS THAT INVOLVES PIERCING OR ENTERING THE SKIN OR THE MUCOUS
7 MEMBRANE OF AN INDIVIDUAL FOR THE PURPOSE OF INSERTING PIGMENTED
8 PATTERNS, JEWELRY, OR OTHER FORMS OF BODY DECORATION.

9 (2) SKIN PENETRATING BODY ADORNMENT PROCEDURE
10 INCLUDES TATTOOING AND BODY PIERCING.

11 (3) SKIN PENETRATING BODY ADORNMENT PROCEDURE DOES
12 NOT INCLUDE PIERCING OF AN EAR USING A PROPERLY DISINFECTED EAR
13 PIERCING GUN AND SINGLE USE STUDS OR CLUTCHES.

14 (K) SUBSTANTIAL PORTION MEANS:

15 (1) AT LEAST 20% OF THE STOCK IN THE ESTABLISHMENT OR ON
16 DISPLAY CONSISTS OF MATTERS OR HOUSES DEVICES DEPICTING, DESCRIBING,
17 OR RELATING TO SEXUAL ACTIVITIES; OR

18 (2) AT LEAST 20% OF THE USABLE FLOOR AREA IS USED FOR THE
19 DISPLAY OR STORAGE OF MATTERS OR DEVICES DEPICTING, DESCRIBING, OR
20 RELATING TO SEXUAL ACTIVITIES.

1 (L) TATTOO OR BODY PIERCING ESTABLISHMENT MEANS ANY
2 ESTABLISHMENT WHERE A SKIN PENETRATING ADORNMENT PROCEDURE IS
3 PERFORMED.

4 SECTION 4B-102. LOCATION OF ADULT ENTERTAINMENT BUSINESSES,
5 MASSAGE ESTABLISHMENTS, AND TATTOO OR BODY PIERCING
6 ESTABLISHMENTS.

7 (A) SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE, AN ADULT
8 ENTERTAINMENT BUSINESS, A MASSAGE ESTABLISHMENT, OR A TATTOO OR
9 BODY PIERCING ESTABLISHMENT IS PERMITTED IN A M.H. ZONE.

10 (B) (1) AN ADULT ENTERTAINMENT BUSINESS, A MASSAGE
11 ESTABLISHMENT, OR A TATTOO OR BODY PIERCING ESTABLISHMENT MAY NOT
12 BE LOCATED WITHIN 1,000 FEET OF:

13 (I) A HOUSE OF WORSHIP;

14 (II) A PUBLIC OR PRIVATE SCHOOL;

15 (III) A PUBLIC PARK OR PUBLIC RECREATIONAL FACILITY;

16 (IV) A PUBLIC LIBRARY;

17 (V) A CHILD CARE HOME, CHILD CARE INSTITUTION, OR
18 FAMILY DAY CARE HOME LICENSED OR REGISTERED UNDER MARYLAND LAW;
19 OR

20 (VI) A LOT ZONED RESIDENTIALLY OR DEVOTED PRIMARILY
21 TO RESIDENTIAL USE.

1 (2) AN ADULT ENTERTAINMENT BUSINESS, A MASSAGE
2 ESTABLISHMENT, OR A TATTOO OR BODY PIERCING ESTABLISHMENT MAY NOT
3 BE LOCATED WITHIN 2,500 FEET OF ANOTHER ADULT ENTERTAINMENT
4 BUSINESS, A MASSAGE ESTABLISHMENT, OR A TATTOO OR BODY PIERCING
5 ESTABLISHMENT.

6 (C) IN DETERMINING COMPLIANCE WITH THE SITING REQUIREMENTS IN
7 SUBSECTION (B) OF THIS SECTION, MEASUREMENTS SHALL BE MADE IN A
8 STRAIGHT LINE, WITHOUT REGARD TO INTERVENING OBJECTS, FROM THE
9 CLOSEST POINT OF THE STRUCTURE CONTAINING THE ADULT ENTERTAINMENT
10 BUSINESS, MASSAGE ESTABLISHMENT, OR TATTOO OR BODY PIERCING
11 ESTABLISHMENT TO THE NEAREST PROPERTY LINE OF THE LOT OR USE LISTED
12 IN SUBSECTION (B) OF THIS SECTION.

13 SECTION 3. AND BE IT FURTHER ENACTED, that Sections 24-470 through 24-483,
14 Article XII. Adult Entertainment Business, be added to Title 24. "Permits and Licenses and
15 Business Regulation , " Baltimore County Code, 1988, as amended to read as follows:

16 ARTICLE XII - ADULT ENTERTAINMENT BUSINESSES

17 SECTION 24-470. DEFINITIONS

18 (A) IN THIS ARTICLE, THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) ADULT ENTERTAINMENT BUSINESS MEANS AN ADULT STORE OR AN
21 ADULT MOVIE THEATER.

1 (C) ADULT STORE MEANS A BUSINESS ESTABLISHMENT OPEN TO THE
2 PUBLIC, OR TO MEMBERS, THAT OFFERS FOR SALE OR RENTAL ANY PRINTED,
3 RECORDED, PHOTOGRAPHED, FILMED OR OTHERWISE VIEWABLE MATERIAL, OR
4 ANY PARAPHERNALIA, IF A SUBSTANTIAL PORTION OF THE STOCK OR TRADE IS
5 CHARACTERIZED BY AN EMPHASIS ON MATTERS DEPICTING, DESCRIBING OR
6 RELATING TO SEXUAL ACTIVITIES.

7 (D) (1) ADULT MOVIE THEATER MEANS A BUSINESS ESTABLISHMENT
8 OPEN TO THE PUBLIC, OR TO MEMBERS, THAT MAINTAINS DISPLAY DEVICES FOR
9 VIEWING ON THE PREMISES FILMS, VIDEOS OR OTHER VIEWABLE MATERIAL, IF
10 A SUBSTANTIAL PORTION OF THE STOCK OR TRADE IS CHARACTERIZED BY AN
11 EMPHASIS ON MATTERS DEPICTING, DESCRIBING OR RELATING TO SEXUAL
12 ACTIVITIES.

13 (2) ADULT MOVIE THEATER DOES NOT INCLUDE A MOTION
14 PICTURE THEATER WHICH HAS SEATING FOR AT LEAST 50 PERSONS PER SCREEN.

15 (E) DEPARTMENT MEANS THE DEPARTMENT OF PERMITS AND
16 DEVELOPMENT MANAGEMENT.

17 (F) DIRECTOR MEANS THE DIRECTOR OF PERMITS AND DEVELOPMENT
18 MANAGEMENT OR THE DIRECTOR'S DESIGNEE.

19 (G) DISPLAY DEVICE MEANS AN ELECTRONICALLY OR MECHANICALLY
20 CONTROLLED STILL OR MOTION PICTURE MACHINE, FILM PROJECTOR,
21 VIDEOTAPE PLAYER, OR OTHER IMAGE-PRODUCING DEVICE THAT MAY BE

1 ACTIVATED DIRECTLY OR INDIRECTLY BY VIEWERS OR AT THE REQUEST OF
2 VIEWERS FOR WHICH A FEE IS CHARGED.

3 (H) SEXUAL ACTIVITIES INCLUDES NUDITY OR PARTIAL NUDITY, AS
4 DEFINED IN §101, AND SEXUAL CONDUCT, SEXUAL EXCITEMENT OR
5 SADOMASOCHISTIC ABUSE, AS DEFINED IN ARTICLE 27, §416A OF THE
6 ANNOTATED CODE OF MARYLAND.

7 (I) SUBSTANTIAL PORTION MEANS:

8 (1) AT LEAST 20% OF THE STOCK IN THE ESTABLISHMENT OR ON
9 DISPLAY CONSISTS OF MATTERS OR HOUSES DEVICES DEPICTING, DESCRIBING
10 OR RELATING TO SEXUAL ACTIVITIES; OR

11 (2) AT LEAST 20% OF THE USABLE FLOOR AREA IS USED FOR THE
12 DISPLAY OR STORAGE OF MATTERS OR HOUSES DEVICES DEPICTING,
13 DESCRIBING, OR RELATING TO SEXUAL ACTIVITIES.

14 (J) VIEWING BOOTH MEANS A SPACE OR AREA WITHIN AN ADULT
15 ENTERTAINMENT BUSINESS IN WHICH A DISPLAY DEVICE IS LOCATED FOR
16 PURPOSES OF VIEWING PICTURES, FILMS, VIDEOTAPES, OR OTHER IMAGES.
17 SECTION 25-471. RULES AND REGULATIONS.

18 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE
19 PROVISIONS OF THIS ARTICLE.

20 SEC. 24-472. LICENSE REQUIRED-- ADULT ENTERTAINMENT BUSINESSES.

21 A PERSON MAY NOT OWN OR OPERATE AN ADULT ENTERTAINMENT
22 BUSINESS WITHOUT A VALID LICENSE ISSUED BY THE DEPARTMENT.

1 SECTION 24-473. INTERIOR ARRANGEMENT OF ADULT ENTERTAINMENT
2 BUSINESSES.

3 (A) PRINTED OR RECORDED MATERIAL FOR RENTAL OR SALE IN AN
4 ADULT ENTERTAINMENT BUSINESS SHALL BE ARRANGED SO THAT EMPLOYEES
5 CAN OBSERVE ALL SUCH MATERIAL.

6 (B) VIEWING BOOTHS MAY NOT BE EQUIPPED WITH CURTAINS OR
7 DOORS THAT ALLOW A BOOTH'S INTERIOR TO BE COMPLETELY SCREENED
8 FROM THE VIEW OF EMPLOYEES.

9 (C) MERCHANDISE OR MATERIAL DEPICTING, DESCRIBING, OR
10 RELATING TO SEXUAL ACTIVITY MAY NOT BE VISIBLE FROM OUTSIDE AN
11 ADULT ENTERTAINMENT BUSINESS.

12 SECTION 24-474.-- APPLICATION, FEE.

13 (A) EACH APPLICATION FOR AN ADULT ENTERTAINMENT BUSINESS
14 LICENSE SHALL BE ON THE FORM PROVIDED BY THE DEPARTMENT AND SHALL
15 CONTAIN:

16 (1) THE NAME AND ADDRESS OF THE APPLICANT;

17 (2) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S
18 RESIDENCE ADDRESS FOR THE 3-YEAR PERIOD PRECEDING THE DATE OF
19 APPLICATION;

20 (3) IF THE APPLICANT IS A CORPORATION:

21 (I) THE NAME AND BUSINESS RESIDENCE ADDRESSES OF
22 EACH OFFICER, DIRECTOR, AND STOCKHOLDER;

(II) THE NAME AND BUSINESS RESIDENCE ADDRESSES OF
EACH OFFICER, DIRECTOR AND STOCKHOLDER OF EACH CORPORATION
HOLDING 10% OR MORE OF THE STOCK OF THE APPLICANT CORPORATION;

(III) THE RESIDENCE ADDRESS FOR THE THREE-YEAR
PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION OF EACH
OFFICER, DIRECTOR, AND STOCKHOLDER OF THE APPLICANT;

(IV) THE RESIDENCE ADDRESS FOR THE THREE-YEAR
PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION OF EACH
OFFICER AND DIRECTOR OF EACH CORPORATION HOLDING 10% OR MORE OF
THE STOCK OF THE APPLICANT CORPORATION;

(V) THE NAME AND BUSINESS AND RESIDENCE ADDRESSES
OF THE RESIDENT AGENT OF THE APPLICANT CORPORATION; AND

(VI) A COPY OF THE DOCUMENTS ESTABLISHING THE
CORPORATION AND THE CORPORATION'S BYLAWS;

(4) IF THE APPLICANT IS AN ASSOCIATION OR PARTNERSHIP:

(I) THE NAME AND BUSINESS AND RESIDENCE ADDRESS
OF EACH PRINCIPAL OR PARTNER;

(II) THE RESIDENCE ADDRESS FOR THE THREE-YEAR
PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION OF EACH
PRINCIPAL OR PARTNER;

1 (5) A COMPLETE SET OF FINGERPRINTS TAKEN BY THE COUNTY
2 POLICE DEPARTMENT OF EACH INDIVIDUAL LISTED IN PARAGRAPHS (2), (3)(I)
3 AND (II), AND (4) OF THIS SUBSECTION;

4 (6) THE LOCATION AND MAILING ADDRESS OF THE PROPOSED
5 ESTABLISHMENT;

6 (7) A DESCRIPTION OF THE FACILITIES AND DISPLAY DEVICES
7 AND VIEWING BOOTHS, IF APPLICABLE, TO BE OFFERED OR AVAILABLE ON THE
8 PREMISES;

9 (8) THE HISTORY OF THE APPLICANT AND EACH OF ITS OFFICERS,
10 DIRECTORS, PRINCIPALS, AND PARTNERS, IF APPLICABLE, IN THE OPERATION OF
11 AN ADULT ENTERTAINMENT BUSINESS IN ANY JURISDICTION, INCLUDING
12 WHETHER ANY PERMIT OR LICENSE FOR THE APPLICANT AND EACH OF ITS
13 OFFICERS, DIRECTORS, PRINCIPALS, AND PARTNERS, IF APPLICABLE, HAS BEEN
14 DENIED, SUSPENDED, OR REVOKED AND THE REASON FOR THE DENIAL,
15 SUSPENSION, OR REVOCATION; AND

16 (9) OTHER THAN MISDEMEANOR TRAFFIC VIOLATIONS OF THE
17 APPLICANT, THE CRIMINAL RECORD, IF ANY, INCLUDING:

18 (I) IF THE APPLICANT IS A CORPORATION, THE
19 APPLICANT'S OFFICERS, DIRECTORS, AND PRINCIPALS; AND

20 (II) IF THE APPLICANT IS A PARTNERSHIP OR ASSOCIATION,
21 THE APPLICANT'S PRINCIPALS AND PARTNERS; AND

1 (10) A NOTARIZED STATEMENT BY THE APPLICANT, OR IF THE
2 APPLICANT IS A CORPORATION, ASSOCIATION, OR PARTNERSHIP, BY AN
3 AUTHORIZED OFFICER, PRINCIPAL, OR PARTNER OF THE APPLICANT, ATTESTING
4 TO THE TRUTH OF THE INFORMATION PROVIDED IN THE APPLICATION; AND

5 (B) EACH APPLICATION SHALL BE ACCOMPANIED BY:

6 (1) AN APPLICATION FEE OF \$200, WHICH IS NOT REFUNDABLE;
7 AND

8 (2) THE LICENSE FEE REQUIRED BY THIS ARTICLE.

9 (C) THE APPLICATION IS CONTINUING IN NATURE AND THE APPLICANT
10 SHALL FURNISH THE DIRECTOR WITH CHANGES IN INFORMATION AS THEY
11 OCCUR.

12 (D) (1) THE DEPARTMENT SHALL ACT ON THE LICENSE APPLICATION
13 WITHIN 30 DAYS OF RECEIPT OF THE APPLICATION.

14 (2) IF THE APPLICANT COMPLIES WITH THE REQUIREMENTS OF
15 THIS ARTICLE, THE APPLICATION SHALL BE APPROVED.

16 (3) IF THE DEPARTMENT FAILS TO ACT ON THE LICENSE
17 APPLICATION WITHIN 30 DAYS THE APPLICATION SHALL BE DEEMED TO BE
18 DENIED.

19 SECTION 24-475. TERM AND RENEWAL OF LICENSE.

20 (A) UNLESS A LICENSE IS RENEWED FOR A 1-YEAR TERM AS PROVIDED
21 IN THIS SECTION, THE LICENSE EXPIRES ON THE FIRST ANNIVERSARY OF ITS
22 EFFECTIVE DATE.

1 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE DEPARTMENT
2 SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE
3 LICENSEE:

4 (1) A RENEWAL APPLICATION FORM; AND

5 (2) A NOTICE THAT STATES:

6 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

7 (II) THE DATE BY WHICH THE DEPARTMENT MUST RECEIVE
8 THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED
9 BEFORE THE LICENSE EXPIRES; AND

10 (III) THE AMOUNT OF THE RENEWAL FEE.

11 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE MAY RENEW IT FOR AN
12 ADDITIONAL 1-YEAR TERM, IF THE LICENSEE:

13 (1) IS OTHERWISE ENTITLED TO BE LICENSED;

14 (2) PAYS TO THE DEPARTMENT A RENEWAL FEE; AND

15 (3) SUBMITS TO THE DEPARTMENT:

16 (I) A RENEWAL APPLICATION ON THE FORM THAT THE
17 DEPARTMENT REQUIRES; AND

18 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE
19 REQUIREMENTS OF THIS ARTICLE.

20 (D) THE ANNUAL FEE FOR AN ADULT ENTERTAINMENT BUSINESS
21 LICENSE IS \$450.00.

1 SECTION 24-476. GROUNDS FOR SUSPENSION, DENIAL, NON-RENEWAL, OR
2 REVOCATION OF LICENSE.

3 (A) THE DIRECTOR MAY DENY, SUSPEND, OR REVOKE A LICENSE, OR
4 DENY THE RENEWAL OF ANY LICENSE UNDER THIS ARTICLE IF THE DIRECTOR
5 FINDS THAT THE APPLICANT, OR IF THE APPLICANT IS A CORPORATION OR
6 PARTNERSHIP, ANY OFFICER, DIRECTOR, PRINCIPAL, PARTNER, OR
7 STOCKHOLDER OF THE CORPORATION, OR OF ANY CORPORATION,
8 ASSOCIATION, OR PARTNERSHIP HAVING AN INTEREST OF 10% OR MORE IN THE
9 APPLICANT:

10 (1) VIOLATED ANY PROVISION OF THIS ARTICLE;

11 (2) FALSIFIED ANY PART OF THE APPLICATION ON WHICH
12 LICENSE WAS GRANTED UNDER THIS ARTICLE;

13 (3) FAILED TO NOTIFY THE DIRECTOR WITHIN 14 DAYS OF ANY
14 CHANGE IN THE INFORMATION PROVIDED IN THE APPLICATION FOR THE
15 LICENSE;

16 (4) REFUSED A RIGHT OF ENTRY OR INSPECTION TO A PERSON
17 AUTHORIZED UNDER THIS ARTICLE; OR

18 (5) HAS BEEN CONVICTED, PLACED ON PROBATION BEFORE
19 VERDICT, OR HELD LIABLE FOR ANY:

20 (I) VIOLATION OF THIS ARTICLE; OR

21 (II) ACT INVOLVING MORAL TURPITUDE, INCLUDING ANY
22 VIOLATION OF FEDERAL, STATE OR LOCAL LAW.

1 SECTION 24-477. TRANSFER OF LICENSE; CHANGE OF ESTABLISHMENT
2 LOCATION.

3 (A) A LICENSE ISSUED UNDER THIS ARTICLE IS NON-TRANSFERRABLE.

4 (B) THE LOCATION OF AN ADULT ENTERTAINMENT BUSINESS MAY NOT
5 BE CHANGED WITHOUT THE REAPPLICATION AND APPROVAL OF A LICENSE
6 UNDER THIS ARTICLE.

7 SECTION 24-478. INSPECTIONS.

8 (A) THE DIRECTOR SHALL PERIODICALLY INSPECT THE PREMISES OF
9 EVERY ADULT ENTERTAINMENT BUSINESS TO ENSURE COMPLIANCE WITH THIS
10 ARTICLE.

11 (B) THE DIRECTOR, THE CHIEF OF POLICE OR THEIR AUTHORIZED
12 DESIGNEES, ON EXHIBITING PROPER CREDENTIALS ON REQUEST, MAY ENTER
13 ANY ADULT ENTERTAINMENT BUSINESS WITHOUT THE CONSENT OF THE
14 OWNER OR OCCUPANT AT ANY TIME DURING BUSINESS OR OPERATING HOURS
15 AND AT SUCH OTHER TIMES AS MAY BE NECESSARY IN ANY SITUATION THAT
16 MAY POSE AN IMMEDIATE THREAT TO LIFE, PROPERTY, OR PUBLIC SAFETY, FOR
17 THE PURPOSE OF PERFORMING THEIR DUTIES UNDER THIS ARTICLE OR
18 ENFORCING ITS PROVISIONS.

19 (2) IF THE DIRECTOR, THE CHIEF OF POLICE OR THEIR DESIGNEES
20 ARE DENIED ENTRY TO ANY ADULT ENTERTAINMENT BUSINESS AT ANY
21 REASONABLE TIME, THE DIRECTOR SHALL IMMEDIATELY SUSPEND THE LICENSE
22 OF THE ADULT ENTERTAINMENT BUSINESS.

1 SECTION 24-479. CRIMINAL PENALTIES.

2 A PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE IS GUILTY OF
3 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
4 \$1,000.00 OR IMPRISONMENT NOT EXCEEDING SIX MONTHS OR BOTH.

5 SECTION 24-480. CIVIL PENALTIES.

6 (A) THE DIRECTOR MAY ENFORCE THE PROVISIONS OF THIS ARTICLE
7 THROUGH INJUNCTIVE PROCEEDINGS, ACTION FOR SPECIFIC PERFORMANCE, OR
8 ANY OTHER APPROPRIATE LEGAL OR EQUITABLE PROCEEDING.

9 (B) A LICENSEE WHO VIOLATES ANY PROVISION OF THIS ARTICLE
10 SHALL BE SUBJECT TO A CIVIL FINE OF \$500 PER DAY FOR EACH DAY THAT THE
11 LICENSEE OPERATES IN VIOLATION OF AN ORDER SUSPENDING OR REVOKING
12 ITS LICENSE.

13 SECTION 24-481. REMEDIES CUMULATIVE.

14 THE REMEDIES AVAILABLE TO THE COUNTY AND THE DIRECTOR UNDER
15 THIS ARTICLE ARE CUMULATIVE AND NOT EXCLUSIVE.

16 SECTION 24-482. APPEAL.

17 (A) A PERSON AGGRIEVED BY A DECISION OF THE DIRECTOR MAY
18 APPEAL THE DECISION TO THE COUNTY BOARD OF APPEALS WITHIN 30 DAYS OF
19 RECEIPT OF THE DECISION.

20 (B) THE COUNTY BOARD OF APPEALS SHALL ISSUE A DECISION WITHIN
21 30 DAYS OF RECEIPT OF THE APPEAL.

22 SEC. 24-483.-- FEES.

1 THE COUNTY ADMINISTRATIVE OFFICER SHALL HAVE AUTHORITY TO
2 CHANGE THE AMOUNT OF THE FEES REQUIRED BY THIS ARTICLE.

3 SECTION 4. AND BE IT FURTHER ENACTED, that, except as provided in Section 3
4 of this Act, this Act does not apply to an adult entertainment business lawfully established prior
5 to the effective date of this act. An adult entertainment business may continue to operate until
6 one year from the effective date of this Act. On or after that date, all adult entertainment
7 businesses shall conform to the requirements of this Act.

8 SECTION 5. AND BE IT FURTHER ENACTED, that Section 3 of this Act shall take
9 effect on April 15, 1998.

10 SECTION 6. AND BE IT FURTHER ENACTED, that this Act does not apply to a
11 massage establishment or tattoo or body piercing establishment lawfully established in existence
12 in a business or commercial zone for at least 12 months prior to the effective date of this Act
13 except if a massage establishment or tattoo or body piercing establishment relocates. This
14 Section is not intended to waive any other provision or requirement of state or county law in
15 effect prior to the effective date of this Act.

16 SECTION 7. AND BE IT FURTHER ENACTED, that, except as provided in Section 5
17 of this Act, this Act, having been passed by an affirmative vote of five members of the County
18 Council shall take effect on March 20, 1998.

6-1-98

Telephone calls to legal owner, Peoples Counsel, and attorney to notify of postponement. Attorney said he would notify his client, contract purchaser.

Telephone call to Lorraine Gordon. She wants to be notified of new date. Her address is
215 Leslie Avenue
Baltimore, MD 21236

Left message for Patricia Herman to return my call. Sophia

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97-203-SPHA

To 6/1 Tim ☐ AM
Date 6/1 Time PM ☐ PM

WHILE YOU WERE OUT

M Patricia Herman
of _____

Phone Numbers

Office _____
Area Code _____ Number _____ Ext. _____
Voicemail _____
FAX _____
Pager _____
Mobile _____
e-mail _____

- ☐ Telephoned
- ☐ Please call
- ☐ Returned your call
- ☐ Called to see you
- ☐ Wants to see you
- ☐ Will call again
- ☐ URGENT

Message

Tele Nbs:

410-825-4550-H

407-4702-W

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AMPAD
EFFICIENCY®

Operator _____

Reorder
#23-000

AH92-802-PP

To Arnold Jablon

Fax # 887-5708

27-48

Dear Mr. Arnold Jablon

6/1/98 -
PP per MK
New date to be
posted; advertising
not necessary5/18/98 (97-203 SP 1/2)
8
WCR - SJ - who
the scheduled?

This is a request for postponement of
the hearing before Zoning scheduled
June 5th regarding Gypsies' tattoo parlor
on Wise Ave. Owner Elton Ensor.

There must be time allotted for notification
education and preparation of citizen and
community organizations in the event of
such hearings. This case was just mid
May remanded back. To date Councilman
De Pazzo's office is unable to confirm that
any community has been notified.

The time period remaining is certainly
inadequate for a community to prepare
and seek representation.

The hardship is on the citizen.
Who is benefiting?

Since time is limited a phone call in
response would be appreciated

Lorraine Gordon
410-668-8797 work until:
410-668-6849 home

and Patricia Herman, President
West Imberness Community
Associat

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18.2092



Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

December 16, 1996

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 203

VIOLATION CASE # C-96-6331
LOCATION OF VIOLATION 7813 WISE AVE., 21222
DEFENDANT LARRY & GERALDINE HOOVER
ADDRESS 189 WOLF CREEK ROAD
RANCHESTER, WY. 82839

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

ELTON ENSOR
7813 WISE AVE., 21222
F. VERNON BOOZER, ESQ
LORRI BUTRUM
7514 HOLABIRD AVE., 21222

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

LENNY WASLIEWSKI Delivered
this notice - ASKING TO
Be NOTIFIED OF HEARING & OPINION.

RECEIVED
COUNTY BOARD OF APPEALS
97 JUN 30 AM 10:27

MICROFILMED



Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

November 12, 1996

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 203

VIOLATION CASE # C-96-6331
LOCATION OF VIOLATION 7813 WISE AVENUE
DEFENDANT
ADDRESS

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

97-203
SPT

MICROFILMED

Case No. 97-203-SPHA

SPH -Approval of use permit for accessory use of dermagraphic art work in a Residential Art Salon;
VAR -Entrance width 11.5' ilo 24'; 2-lane travel way width 10.5' ilo 20'; parking area aisle width 21.1' ilo 22'; gravel surface driveway and parking area and marking of spaces other than by striping.

3/21/97 -D.Z.C.'s Order in which Petitions for Special Hearing and Variance were GRANTED.

6/25/97 - Notice of Assignment for hearing scheduled for Tuesday, August 12, 1997 at 10:00 a.m. sent to following:

People's Counsel for Balto County
F. Vernon Boozer, Esquire
Mr. and Mrs. Larry G. Hoover
Elton Ensor
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/16/97 -Letter from V. Boozer, counsel for Petitioners, requesting Postponement of 8/12/97 hearing pending final outcome of proposed legislation in this regard; no objection by People's Counsel to this request.

7/24/97 -Notice of PP and Reassignment sent to parties; matter postponed and reassigned to Tuesday, November 18, 1997 at 10:00 a.m. Added J. Thompson, Code Enforcement, to copies as requested by L. Wasiliewski 6/30/97.

11/03/97 -Request for postponement from James V. McFaul, Esquire, on behalf of Petitioners; pending adoption of final regulations concerning tatoo parlors in the County.

11/04/97 -Response from P. Zimmerman to above request; no objection to request; however, would ask that it be rescheduled at a later date and the case tried in the event legislation is not passed.

12/29/97 -Notice of Reassignment sent to parties; case scheduled for hearing on Tuesday, April 21, 1998 at 10:00 a.m.

4/15/98 -Motion for Remand filed by F. Vernon Boozer, Esquire, on behalf of Larry G. Hoover, et ux and Elton Ensor -Petitioners. Requesting that matter be remanded to the Zoning Commissioner; no objection to same by People's Counsel. Board will received Motion at hearing scheduled for 4/21/98 and deliberate same.

4/21/98 -Argument on Motion to Remand; no opposition by People's Counsel; no protestants in attendance. Board deliberated on the record and granted Petitioner's Motion to Remand. To be remanded to Deputy Zoning Commissioner by Order of the Board; to be issued. (C.M.B.)

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B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office Correspondence

TO: Arnold Jablon, Director
 Office of Permits &
 Development Management

DATE: April 29, 1998

FROM: Charlotte E. Radcliffe *CR*
 County Board of Appeals

SUBJECT: Larry G. Hoover, et ux - Petitioner
 Case No. 97-203-SPHA

Pursuant to the Remand Order issued by the Board on April 27, 1998, we are hereby returning the file to you to be forwarded to the Deputy Zoning Commissioner for his further consideration as required.

Should you have any questions, please call me at ext. #3180.

Attachment (Case filed No. 97-261-SPH)

c: ✓ Docket Clerk
 F. Vernon Boozer, Esquire
 People's Counsel for Baltimore County
 Timothy Kotroco /Deputy Zoning Commissioner

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 7, 1999
Permits & Development Management

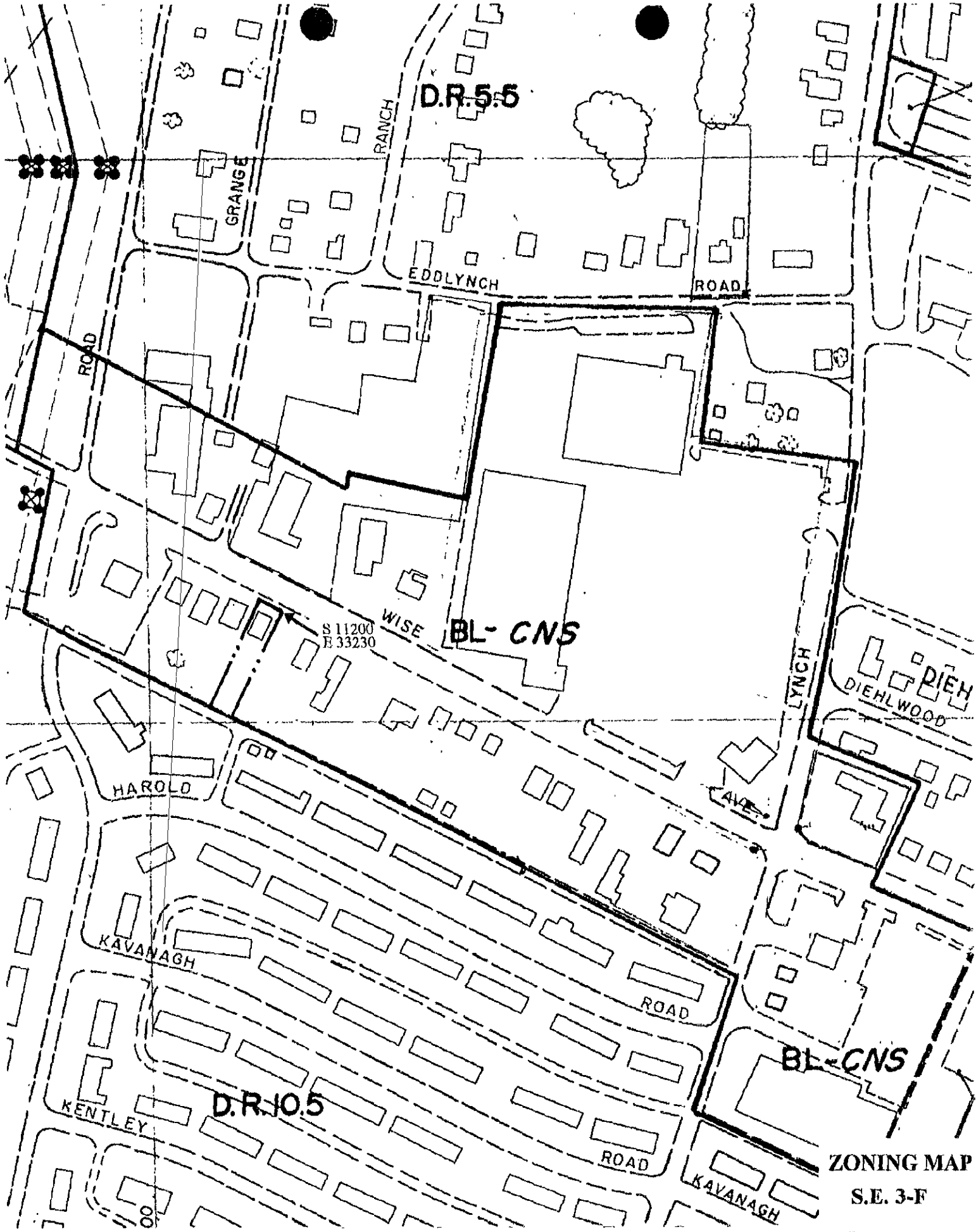
FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed Files on Remand:

96-161-SPH /John Brooks (ZC Order -8/24/98)
97-203-SPHA /Larry G. Hoover, et ux (DZC Order 11/18/98)
97-229-SPHA /E. Walter Bell, Jr. (ZC Order 7/6/98)
97-347-SPH /SSAK Partnership (ZC Order 11/13/97)

Since the 30-day appellate period has expired with no further appeals having been taken in the above captioned cases, which were remanded to the Zoning Commissioner in 1998, we are hereby noting our records that these files are closed.

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D.R. 5.5

BL-CNS

BL-CNS

D.R. 10.5

ZONING MAP

S.E. 3-F

97-203-SPH

MICROFILMED



COUNTY COUNCIL OF BALTIMORE COUNTY

COUNTY COURT HOUSE, TOWSON, MARYLAND 21204

LOUIS L. DePAZZO
COUNCILMAN, SEVENTH DISTRICT

COUNCIL OFFICE: 887-3196
DUNDALK DISTRICT OFFICE: 887-7174
NORTH POINT GOVERNMENT CENTER
7701 WISE AVENUE
DUNDALK, MARYLAND 21222

February 7, 1997

To whom it may concern:

Please be advised that in my eighteen years of holding a political office, I have never experienced a problem with Gypsy's Fine Line Tattoo Studio. During Mr. Elton Ensor's eleven years of operation, I have not received one single complaint regarding his studio.

It seems to me that his business is an asset to the community in generating local business patronage and is well respected by neighboring businesses as apparent in his attached petition. I see no reason why he should not be granted the proposed zoning renewal.

Very truly yours,

A handwritten signature in cursive script, reading "Lou DePazzo".

Louis L. DePazzo
Councilman Seventh District

16

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MILLERS' ISLAND EDGEMERE BUSINESS ASSOCIATION, INC.

DECEMBER 1996 MIEBA NEWSLETTER

HIGHLIGHTS FROM LAST MONTHS MEMBERSHIP MEETING

Mrs Carolyn Mroz of Bay Vanguard Savings & Loan Association discussed the recent changes in the I.R.S. regulations regarding the Bank Secrecy Act which will effect some of our businesses who make large bank transactions.

Councilman Lou Depazzo discussed the proposed Wal-Mart store at North Point Plaza.

Chairman Harry Wujek who is a member of the Baltimore County Tele Communications Advisory Panel explained why the Comcast Cable rates have been going up and what authority the Advisory Panel has over rates.

A MESSAGE FROM THE PRESIDENT

All the officers, directors and myself would like to take this opportunity to wish everyone a very merry Christmas, and a healthy, happy and safe new year.

I want to remind everyone to honor your privilege as a member of our association and take part in our upcoming elections. I also want to thank the membership for their support during the past year.

I would like to thank our elected officials and their aides for their untiring help during the past year.

NOMINATION FORMS

A nomination form for the MIEBA 1997 slate of officers and directors whose positions are up for election has been included along with your Newsletter. You may mail the nomination form in the enclosed envelope or bring it with you to the meeting and give it to a member of the Nominating Committee. Nominations will be closed at the January 15th membership meeting. The election will be held at the February 19th membership meeting. The new officers and directors will take office at the March 19th, 1997 membership meeting.

If you are going to nominate someone for a office or directorship please make sure that they are willing to accept the nomination. They must be willing if elected to accept the obligation to donate the time needed to fulfill the duties of the office or directorship.

NEW MEMBER

A warm welcome goes out to another new member to join our growing association: Mr Elton Ensor Jr. of "GYPSY'S TATTOOS" located at 4813 Wise Avenue; Phone: 284-0032.

DECEMBER 18th MEMBERSHIP MEETING SCHEDULE

Our next membership meeting will be held Wednesday, December 18th at 8 P.M. in the Knights of Columbus Hall located at Bayfront Road and Lincoln Avenue in Edgemere. We would appreciate those members planning to attend the meeting to please be present before 8 P.M., so that we may call the meeting to order at 8 P.M.. Food and refreshments will be served. We look forward to seeing you there.

Peace and Goodwill to All

MICROFILMED

Petitioner's
Exhibits 2-14
and 18-22
photographs

Case 97-203-SPH

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